

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO. 1644 OF 2024

Manik Ramnath Hase	...	Applicant
Versus		
The State of Maharashtra	...	Respondent

Mr. Patil Kalpesh Uttam for the Applicant.
Mr. Mayur S. Sonavane, APP for Respondent-State.

CORAM: MANISH PITALE, J.
DATE : 24th JUNE 2024

P.C. :

1. Heard learned counsel for the applicant and learned APP for respondent-State.

2. The applicant before this Court is apprehending arrest in connection with FIR No. 0209 of 2009 dated 20th March 2020, registered at Hinjewadi Police Station, Dist. Pimpri-Chinchwad, for offence under Section 420 read with 34 of the Indian Penal Code, 1860 (IPC) and Sections 3 and 4 of the Maharashtra Protection of Interest of Depositors (in Financial Establishments) Act, 1999 (MPID Act).

3. The FIR has been registered on the statement given by an informant, claiming that the named accused Nos.1 to 9 had duped him by giving an allurements that if he facilitates investments by downloading a particular application at the behest of company

concerned with the named accused persons, he would be earning commission for such activity. The grievance of the informant is that having entered into an agreement with the named accused persons concerned with the said company, he deposited specific amounts with the said accused persons, but the business activity that was supposed to lead to promised benefit to the informant, never materialized.

4. During the course of investigation, certain statements of persons were recorded and on that basis, the applicant in the present case was added as an accused person.

5. The learned counsel for the applicant has given a backdrop of the previous applications filed before the Sessions Court and this Court. Attention of this Court was invited to the notice dated 10th March 2021 issued to the applicant under Section 41-A of the Code of Criminal Procedure, 1973 (Cr.P.C.), at which point the applicant was constrained to move the Sessions Court, in the first round, seeking protection from arrest. It was the case of the applicant before the Sessions Court that he is as much a victim as the informant and therefore, the Investigating Officer was not justified in taking steps that may eventually lead to he being added as an accused and arrested. The said application for anticipatory bail, in the first instance, was allowed on 9th October 2023, by the Sessions Court on the condition that the applicant shall deposit an amount of Rs.59,10,245/- in two equal installments.

6. The applicant was aggrieved by the aforesaid condition of depositing amount and hence, he filed Criminal Application (APL) bearing No. 1350 of 2023, for deletion of the said condition, before this Court. The said condition imposed by the Sessions Court was initially stayed by an order dated 20th December 2023 passed by this Court and eventually, the application was allowed on the basis that the applicant had never voluntarily made a statement of such deposit. The order passed by the Sessions Court was set aside, with a direction that the Sessions Court would decide the application of the applicant afresh and in the meanwhile, relief was granted to the applicant for protection from arrest.

7. Thereafter, the Sessions Court passed order dated 6th May 2024, rejecting the application *inter alia*, on the ground that amount of Rs.59,10,245/- is required to be recovered from the applicant.

8. The learned counsel for the applicant submits that the Sessions Court in the present case failed to appreciate that the applicant is as much a victim of accused Nos. 1 to 9 as the informant herein and that even in the case of the applicant, the said accused persons concerned the aforementioned company had entered into written agreements, promising commissions to the applicant on his generating investments in the said company. Attention of this Court was invited to copies of two such agreements executed between the applicant and the said company.

9. It was brought to the notice of this Court that even if statements, upon which the Investigating Authority placed reliance, are to be perused, meagre amounts were said to have been invested by “innocent investors” and yet the Sessions Court proceeded to hold against the applicant, for recovery of huge amounts pending against the applicant.

10. The learned APP opposed the present application and submitted that large amounts were received by the applicant and therefore, no case is made out for anticipatory bail and that in any case, statements of witnesses show that they were indeed duped by the applicant at the behest of the main accused persons.

11. This Court is of the opinion that perusal of the entire charge-sheet and the documents filed therewith is necessary to understand the direction in which the investigation has proceeded, particularly in the backdrop of the specific grievance of the informant against the originally named accused persons. Considering the documents placed on record by the applicant and the fact that in the first instance, the Sessions Court had found it fit to grant anticipatory bail to the applicant, albeit upon imposing condition of depositing the huge amount, coupled with the fact that while allowing the application filed by the applicant for deletion of the said condition, this Court had extended the relief granted to the applicant, a case for interim relief is made out.

12. The learned APP shall place on record charge-sheet, along with the documents filed therewith, before the next date of listing.

13. In the light of the above, the following interim order is passed :

(a) Till the next date, in the event the applicant is arrested in connection with 0209 of 2009 dated 20th March 2020, registered at Hinjewadi Police Station, Dist. Pimpri-Chinchwad, he shall be released on bail on furnishing PR Bond of Rs.25,000/-, with one surety in the like amount.

(b) The applicant shall remain present before the Investigating Officer on 28th June 2024 and thereafter, as and when the Investigating Officer calls upon him to remain present. The applicant shall cooperate with the investigation.

(c) The applicant shall not tamper with the evidence of the prosecution in any manner. He shall not influence the informant, witnesses or any other person concerned with the case.

14. List for further consideration on 9th July 2024.