

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1912 OF 2024

Vijay Dodhu Patil ... Applicant
Vs.
State of Maharashtra ... Respondent
AND

ANTICIPATORY BAIL APPLICATION NO.1914 OF 2024

Atul Kumar Pandey ... Applicant
Vs.
State of Maharashtra ... Respondent

Mr. Aklesh Khupade i/b. Mr. Samadhan A. Kashid for Applicant in ABA/1912/2024.

Mr. Samadhan A. Kashid for Applicant in ABA/1914/2024.

Mrs. Rutuja A. Ambekar, APP for Respondent-State.

Mr. Nikhilesh Pote for Complainant / Informant.

CORAM : MANISH PITALE, J.
DATE : JULY 25, 2024

P.C. :

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

2. The applicants are apprehending arrest in connection with FIR No.0761 of 2023 dated 26.10.2023 registered at Chatusrungi Police Station, District - Pune, for offences under Sections 409 and 420 of the Indian Penal Code, 1860 (IPC) and Section 3 of the Maharashtra Protection of Interest of Depositors (In Financial Establishments) Act, 1999.

3. In the present case, considering the fact that the applicants have not been named in the statement of the informant leading to registration of the FIR, the learned APP wants to rely upon statements of witnesses

recorded during the course of investigation. In that light, she seeks short adjournment to produce the investigation papers before this Court. In the meanwhile, learned counsel for the applicants is pressing for interim protection, as the applicants undertake to co-operate with the investigation.

4. This Court is inclined to grant interim relief to the applicants for the following reasons:-

- a. The applicants have not been named in the statement of the informant leading to registration of the FIR. There is only one named accused person, who is said to be the owner of the company allegedly involved in inducing innocent investors to invest huge sums of money on the false promise of handsome returns;
- b. The applicants have been added as accused persons during the course of investigation. This Court needs to peruse the material that has come on record during the investigation so as to indicate the role of the applicants;
- c. The documents filed along with the application do indicate that the applicants were employees of the said company and in that light, amounts transferred from the account of the company to the accounts of the applicants are being explained as payment towards salary; and
- d. The applicants have undertaken to co-operate with the investigation.

5. In view of the above, the following interim order is passed:-

- A. Till the next date, in the event the applicants are arrested in connection with FIR No.0761 of 2023 dated 26.10.2023 registered at Chatushrunji Police Station, District - Pune,

they shall be released on bail on furnishing PR Bond of Rs.50,000/- [Rupees Fifty Thousand only] each with one or two sureties in the like amount;

- B. The applicants shall appear before the investigating officer on 27.07.2024 between 10:00 a.m. and 12 noon and thereafter as and when required by the investigating officer;
- C. The applicants shall co-operate with the investigating officer and produce all documents in their custody, which are relevant for investigation in the present case;
- D. The applicants shall not influence the informant, witness or any person concerned with the case and they shall not tamper with the evidence.

6. Needless to say, violation of any of the aforesaid conditions may result in this order being recalled.

7. List for further consideration on 19.08.2024, High on Board.

(MANISH PITALE, J.)

Minal Parab