IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1973 OF 2024

Suresh Vinayak Patil … Applicant

Vs.

State of Maharashtra and another … Respondents

Mr. Satyajeet P. Dighe for Applicant.
Mr. Mayur S. Sonavane, APP for Respondent-State.
Mr. Datta Ramnath Khule, ASI, Economic Offence, Nashik City, Ambad Police Station, Nashik City.

CORAM : MANISH PITALE, J.
DATE : AUGUST 02, 2024

P.C. :

. Heard Mr. Dighe, learned counsel for the applicant and Mr.Sonavane, learned APP for the respondent-State.

2. The applicant is one of the accused persons in the present case, who is apprehending arrest in connection with FIR No.0374 of 2024 dated 05.06.2024 registered with Ambad Police Station, District - Nashik City, for offences under Sections 406, 409, 420, 504 and 506 read with Section 34 of the Indian Penal Code, 1860 (IPC).

3. According to the informant, he saw an advertisement on the social medial platform *facebook* pertaining to *Haak Marathi Urban Nidhi Limited*, which is stated to be a small banking and mutual benefit society registered with the Ministry of Corporate Affairs, Government of India. When the informant reached out to the said entity on the basis of the advertisement, the accused No.1 Bhushan Suresh Wagh responded and stated that loan could be arranged for the informant without security, for which purpose, Rs.7500/- would have to be paid towards processing charges. Accordingly, the informant paid the aforesaid amount.

Subsequently, the informant was lured into paying further amount of Rs.10,000/- for expediting the disbursal of loan.

4. Later, the informant came to know that no loan was being processed and that he had been duped. On further enquiries, he came to know that other such innocent persons were also duped.

5. The learned counsel for the applicant submits that the applicant has been named as an accused only because he is also a shareholder, concerning the said entity. It is clarified that he has shareholding only of 1%, while the accused No.1 Bhushan Suresh Wagh, who is the son of the applicant, has 94% shareholding. It is brought to the notice of this Court that a joint anticipatory bail application was filed by the applicant, his wife as also his daughter. The Sessions Court granted anticipatory bail to the wife and daughter of the applicant, but his prayer for anticipatory bail was rejected.

6. It is submitted that even as per the informant, no role is attributed to the applicant in luring or inducing him into parting with money. On this basis, it is submitted that this Court may consider granting anticipatory bail.

7. On the other hand, the learned APP has opposed the prayer and it is brought to the notice of this Court that about 205 individuals have been duped by the accused persons and the scam is to the tune of about Rs.34 lakhs. It is submitted that statement of a witness, who is also a victim like the informant, shows that the applicant himself was actively involved in the *modus operandi*.

8. This Court has perused the statement of the informant, leading to registration of the FIR. The papers produced by the learned APP include a copy of the advertisement issued on *Facebook*, which appears to be

luring innocent persons like the informant and others to seek loan from the said entity *Haak Marathi Urban Nidhi Limited*, which claims to be a small banking and mutual benefit society. It is admitted that the applicant is also one of the directors of the said entity. In any case, statement of one of the witnesses, who was also similarly duped, shows that she gave amount to the extent of Rs.30,000/- to the applicant for expediting the disbursal of loan. At this stage, it cannot be said that the applicant was totally unaware about the *modus operandi* or that he was not actively involved in the offence. No case is made out for granting anticipatory bail. The application is dismissed.

(MANISH PITALE, J.)

Minal Parab