

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

ANTICIPATORY BAIL APPLICATION NO. 1974 OF 2024

1. Nivedita Rahul Gaikwad		
2. Rahul Jayprakash Gaikwad	...	Applicants
Versus		
The State of Maharashtra	...	Respondent

Mr. Ashok B. Tajane a/w Yogesh G. Thorat and Mr. H. M. Khupsare for the Applicants.
Ms. Megha S. Bajoria, APP for Respondent-State.
Mr. Sameer Dabhade, PSI, EOW, Pimpri-Chinchwad.

**CORAM: MANISH PITALE, J.
DATE : 7th AUGUST 2024**

P.C. :

1. The applicants have approached this Court apprehending arrest in connection with FIR No. 0232 of 2022 dated 29th May 2022 registered at Sangvi Police Station, Pimpri-Chinchwad, for offences under Sections 406, 409 and 420 read with 34 of the Indian Penal Code, 1860 (IPC) and Section 3 of the Maharashtra Protection of Interest of Depositors (in Financial Establishments) Act, 1999 (MPID Act).

2. The learned counsel for the applicants, at the outset, submits that although the FIR is of May 2022, the applicants have been constrained to approach this Court for anticipatory bail, for the reason that in connection with an earlier FIR dated 9th April 2022

registered against the applicants for similar allegations, they were arrested. Eventually, applicant No.2 was granted bail on 8th December 2023 by this Court (Coram: M. S. Karnik, J.) in Bail Application No. 2821 of 2023 and applicant No.1 was subsequently granted bail on 8th February 2024 by the Sessions Court.

3. It is submitted that the allegations made in the present case are similar/identical to the allegations made in the earlier FIR, except that offence under Section 409 of the IPC is also registered against the applicants in the present case. It is submitted that the applicants are ready to cooperate with the investigation and since they have already suffered incarceration for similar/ identical allegations, this Court may consider allowing the present application.

4. On the other hand, the learned APP submits that while granting bail to the applicants, this Court and the Sessions Court had specifically directed them to report to the concerned Police Station once a month, but the applicants have not attended the Police Station. It is further submitted that instructions will have to be taken as to whether the applicants have filed affidavits, as directed in the said orders before the MPID Court, giving details along with original documents and title deeds or attested photocopies thereof before the said Court within the stipulated period of time.

5. Considering the fact that the applicants have already suffered incarceration for some period of time on the basis of similar/identical allegations made in the earlier FIR and thereafter, they have been granted regular bail, as also the fact that the applicants undertake to cooperate with the investigation, this Court is inclined to grant interim relief to the applicants.

6. On instructions, the learned counsel for the applicants has made a statement that the affidavits, as directed by this Court and the Sessions Court, while granting regular bail to the applicants in the earlier case, have been filed within the stipulated period before the MPID Court. The learned APP to verify the correctness of the said statement before the next date of listing.

7. 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. 0232 of 2022 dated 29th May 2022 registered at Sangvi Police Station, Pimpri-Chinchwad, they shall be released on bail on furnishing PR Bond of Rs.50,000/- each and one or two sureties in the like amount.
- (b) The applicants shall remain present before the Investigating Officer on 9th August 2024 between 10:00 a.m. and 12:00 noon and thereafter, as and when called by the Investigating Officer. The applicants shall cooperate with the investigation, including producing all the documents in their possession, as may be demanded by the Investigating

Officer.

- (c) The applicants shall not tamper with the evidence of the prosecution in any manner. They shall not influence the informant, witnesses and other persons concerned with the case.

8. In the event, the applicants violate any of the aforesaid conditions, the order passed today would be recalled.

9. List this application for further consideration on 11th September 2024 (High on Board).

MANISH PITALE, J.