IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 2022 OF 2024

Parwinder Singh Fingh @ Prithvi Singh Fingh … Applicant
Versus
The State of Maharashtra … Respondent

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Mr. Kuldeep Patil a/w Ranjeet Patil and Ramsing Rajput i/by Agrud Partners for the Applicant.
Ms. R. A. Ambekar, APP for Respondent-State.

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CORAM: MANISH PITALE, J.
DATE : 16th AUGUST 2024

P.C. :

. At the outset, the learned counsel for the applicant prays for permission to file additional documents that would be relevant for pressing prayer made in the present application. These are Form 16-A certificates, indicating that certain payments were made to the informant. Leave is granted to file the additional documents within one week from today.

2. The applicant in the present case is apprehending arrest in connection with FIR No. 0108 of 2024 dated 24th February 2024 registered at Yerwada Police Station, Dist. Pune, for offences under Sections 406 and 420 of the Indian Penal Code, 1860 (IPC).

3. The grievance of the informant is that the applicant took advantage of friendship with the informant and induced the

informant into investing substantial amount of money and also got an agreement executed on a promise of handsome returns from the business. It is further claimed that due to the inducement given by the applicant, the wife of the informant also invested certain amount of money. When no returns were forthcoming, the informant approached the Police with his grievance, leading to registration of the FIR.

4. The learned counsel for the applicant submits that in the present case, there is no question of inducement given by the applicant, simply for the reason that the informant, who is himself is a MBA graduate, willingly agreed to become part of a direct selling business and upon entering into the said agreement and investing the amount, he became what is called an independent representative or a direct selling agent for the concerned business. It is submitted that proper receipts were issued for the amounts invested and copy of the agreement, to which even the informant has made a reference, is placed on record with this application at Exhibit 'A'. The conditions therein are absolutely clear and the informant was always aware of the same. Reliance is placed on the documents that are proposed to be filed as additional documents to indicate that the informant earned commissions from the business that he could undertake. Reference was also made to an order dated 27th March 2017 passed by the Supreme Court in Writ Petition (Criminal) No.31 of 2017 (***Vihaan Direct Selling (I) Pvt. Ltd. & Ors. v/s. Union of India & Ors.***), whereby the Supreme

Court granted stay of further proceedings in as many as 20 FIRs, registered in the context of the said direct selling business. Reliance is also placed on an order dated 30th January 2019 passed by this Court in Anticipatory Bail Application No. 1987 of 2018 (***Mrs. Shraddha Hemant Patil v/s. The State of Maharashtra***), wherein this Court granted relief of anticipatory bail in similar circumstances.

5. The learned APP submitted that some time may be granted to take proper instructions and also to verify the relevance of the proposed additional documents to the present case.

6. The tenor of the grievance raised by the informant in the FIR pertains to alleged inducement given by the applicant. But, the statement of the informant itself demonstrates that the applicant had allegedly referred to a business that would help in earning substantial gain. The informant himself referred to the agreement, copy of which is placed at Exhibit 'A' with the present application.

7. Considering the material on record, this Court is of the opinion that *prima facie* it could be said that the informant was perhaps aware of the kind of business that he was getting into, while agreeing to invest the amounts as shown in the statement of the informant. The applicant has specifically relied upon the module of direct selling business to claim that the informant, like many others, had agreed to become an independent representative or direct selling agent, who would earn commissions on the basis

of the extent of business that he or she was able to develop. Considering the documents that are proposed to be filed as additional documents, indicating atleast certain payments made to the informant, this Court is inclined to grant interim relief in favour of the applicant, while granting time to the learned APP to take detailed instructions in the matter.

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

(a) Till the next date, in the event the applicant is arrested in connection with FIR No. 0108 of 2024 dated 24th February 2024 registered at Yerwada Police Station, Dist. Pune, he shall be released on bail on furnishing PR Bond of Rs.50,000/- and one or two sureties in the like amount.

(b) The applicant shall remain present before the Investigating Officer on 19th August 2024 between 10:00 a.m. and 12:00 noon and thereafter, as and when called by the Investigating Officer. The applicant shall co-operate 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 and other persons concerned with the case.

9. In the event, the applicant violates any of the aforesaid conditions, the order passed today would be recalled.

10. List the application for further consideration on 19th September 2024 (High on Board).

11. The learned APP shall take detailed instructions in the matter before the next date of listing.

MANISH PITALE, J.