

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

ANTICIPATORY BAIL APPLICATION NO. 2123 OF 2024

Amandeep Singh Sran s/o H.S. Sran	...	Applicant
Versus		
The State of Maharashtra	...	Respondent

Mr. Varinder K. Sharma i/by R. K. Uttarwar for the Applicant.
Mr. Tanveer Khan, APP for Respondent-State.

**CORAM: MANISH PITALE, J.
DATE : 21st AUGUST 2024**

P.C. :

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

2. This application for anticipatory bail is filed in peculiar circumstances. It pertains to a FIR dated 5th October 2016, whereby the applicant, along with other persons, is arraigned as an accused for offences under Sections 406, 409 and 420 read with 34 and 120-B of the Indian Penal Code, 1860 (IPC), as also under the provisions of the Maharashtra Protection of Interest of Depositors (in Financial Establishments) Act, 1999 (MPID Act).

3. It is submitted on behalf of the applicant that although in respect of the said FIR, the applicant has not been formally arrested, since a number of FIRs were registered in various States in India, in the context of allegation of misappropriation of

amounts of investors, the applicant has remained behind bars since the year 2015.

4. Various High Courts and even the Supreme Court in an application has taken note of the fact that the applicant has remained behind bars since 2015 and bail has been granted. In one particular case, when an anticipatory bail application was filed, the concerned Court recorded the statement of the Investigators therein that they were not intending to arrest the applicant in that particular FIR.

5. In the present case, except offence under Section 409 of the IPC, which can result in imprisonment for life, the applicant appears to have remained incarcerated for a period higher than the sentence that can be imposed for other offences.

6. In such circumstances, it would be appropriate that the learned APP takes specific instructions with regard to the question as to whether the investigating authority intends to formally arrest the applicant, particularly in the backdrop of the statement made by the learned counsel for the applicant that the applicant was already interrogated, while in judicial custody, on 15th July 2024 and 17th July 2024 in Jail in Chhattisgarh, where the applicant is presently in judicial custody. The learned APP will also have to take instructions on present status of the investigation, concerning the aforesaid FIR dated 5th October 2016 registered in the present case.

7. List for further consideration on 28th August 2024, to be included in the supplementary list.

MANISH PITALE, J.