IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 2288 OF 2024

1. Shyam Dilip Sukane
2. Akash Shankar Khilare ...Applicants

Versus

The State of Maharashtra ...Respondent

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- Mr. Satyavrat Joshi (Through V.C.) a/w Ms. Sakshi Mane, for Applicant.
- Mr. Bapu V. Holambe Patil, APP for Respondent.

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CORAM : MANISH PITALE, J.

DATE : 03rd SEPTEMBER, 2024.

P. C. :

1. Heard, Mr. Satyavrat Joshi, learned counsel for the applicants and Mr. Bapu Holambe Patil, learned APP for the respondent – State.

2. By this application, the applicants are seeking relief of anticipatory bail as, they apprehend arrest in connection with First Information Report No.0798 of 2023, dated 04.08.2023, registered at Police Station Indapur, District Pune, for offences under Sections 420, 504 and 506 read with Section 34 of the Indian Penal Code (IPC).

3. The FIR is registered on the statement of the informant, who has claimed that the accused persons, including the applicants, induced the informant and his wife to part with the substantial amounts of money on the promise of handsome returns in a short period of time. It is alleged that total

amount of ₹ 24,52,750/- was invested with Golden Bulls Academy with which the accused persons were associated. But, subsequently, the invested amount was not returned and the promised returns never materialized.

4. It was brought to the notice of this Court that co-accused Mahesh Jivanrao Kokane was granted interim relief by this Court by an order dated 30.08.2024 in Anticipatory Bail Application No.2255 of 2024 and that the said application is now listed for further consideration on 01.10.2024.

5. The learned counsel for the applicants submitted that, as against the applicants also general and *omnibus* allegations of inducement are made. The specific allegations are against the other co-accused persons. It was emphasized that the informant suppressed the fact that certain amounts were returned to him by the said academy and that the applicants being merely employees of the said academy, criminal liability cannot be foisted upon them. On this basis, it was submitted that this Court may consider allowing the present application.

6. On the other hand, learned APP submitted that the case of the co-accused Mahesh Jivanrao Kokane is distinguishable from that of the applicants in this application. There are specific allegations against them and therefore, this Court may not show any indulgence.

7. At the outset, it would be appropriate to refer to the order dated 30.08.2024, passed by this Court, whereby interim relief was granted to co-accused Mahesh Jivanrao Kokane. The main ground for granting interim relief to the said co-accused person was that there was a document on record in the form of an identity card showing that the said accused person was associated with the academy merely as a technical support staff. There was only one allegation of transfer of specific amount of ₹ 29,500/- by phonepe to the said accused person and that the said accused was also ready to return the said amount to the informant.

8. In the present case, a perusal of the statement of the informant shows that there are specific allegations against the two applicants. It is stated that they also induced the informant along with co-accused persons for investing amounts with the academy with promise of handsome returns. It is also specifically alleged that when the informant was in need of money and he approached the office of the academy, the two applicants stated that the informant must show proof of such investment and at that point in time they also threatened the informant that the amount will not be returned. It is also alleged by the informant that at that stage the applicants abused and threatened the informant. The aforesaid specific allegations indicate the active role of the applicants, even if they are to be treated as employees, in inducing the informant into investing huge amount of money, as also their involvement

in refusing to return the amount to the informant and in the process abusing and threatening him.

9. As regards part of the amount having been returned to the informant, it is not clear as to which of the accused persons returned the said amount and in any case, considering the specific allegations made against the applicants, no case is made out for granting anticipatory bail.

10. The application is dismissed.

(MANISH PITALE, J.)