

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

Anticipatory Bail Application No.2404 of 2024

1) Sudhir Patel

Age: 65 years, Occ: Business

Residing at 502, Om Matruchhaya CHS Ltd.,

Ashok Nagar, Near Thakur House,

Kandivali (E), Mumbai

2) Chhaya Sudhir Patel

Age: 63 years, Occ: Housewife

Residing at 502, Om Matruchhaya CHS Ltd.,

Ashok Nagar, Near Thakur House,

Kandivali (E), Mumbai

... Applicants

v/s.

The State of Maharashtra

(At the instance of Sr. P.I.

Ambernath Police Station)

... Respondent

....

Mr Prasanna A Bhangale, for the applicant.

Ms Supriya Kak, APP, for respondent/ State.

PSI MN Waghmare, Ambernath Police Station, is present.

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Coram: R.N. Laddha, J.

Date: 28 August 2024

P.C.:

This is an application for pre-arrest filed by the applicants, apprehending arrest in connection with CR No.1060 of 2024, registered at Ambernath Police Station, Thane, for offences punishable under Sections 406 and 420 read with 34 of the Indian Penal Code.

2. According to the prosecution, the applicants are the parents of Mansi, a friend of the informant and a co-accused in this case. It is

alleged that Mansi and her husband, Chintan, induced the informant and her brother to secure a loan and transferred the funds to them, promising lucrative returns on an investment in Avishkar Ventures Management Services Pvt Ltd. However, when the co-accused failed to repay the invested amount, the informant reported the incident, leading to registration of the present crime.

3. Mr Prasanna Bhangale, the learned Counsel appearing on behalf of the applicants, asserts the applicants' innocence and contends that, as senior citizens, they were not involved in the business dealings between the informant and the co-accused. The applicants did not benefit from the alleged invested funds. Instead, they mortgaged their house out of love and affection for their daughter, raising Rs.80 lakhs to help their son-in-law, Chintan, to repay his debts. The learned Counsel submits that the applicants have been falsely implicated in the crime only to pressurise and extort the alleged investment sum from them. With co-accused, Chintan, already in custody, the applicants' detention is unnecessary, as no further recovery or discovery is required. The applicants are ready and willing to comply with any conditions imposed by the Court.

4. Ms Supriya Kak, the learned Additional Public Prosecutor representing the respondent/ State, submits that the offence is serious, and the investigation is still in progress. The learned APP expresses concern that if the applicants are granted pre-arrest bail, they may interfere with the evidence or influence the witnesses.

5. After reviewing the records, more particularly the allegations in the FIR, it appears that the co-accused, Mansi and Chintan, are primarily accused of enticing the informant and her brother with promises of high investment returns. *Prima facie*, there appears no incriminating material against the applicants except the fact that they are Mansi's parents. The applicants do not appear to be the beneficiaries of the alleged funds. To address concerns about evidence tampering and witness influence, appropriate conditions can be imposed. In light of these circumstances, this Court is inclined to grant the pre-arrest bail to the applicants. Hence, the following order:

ORDER

- (i) In the event of the applicants' arrest in CR No.1060 of 2024, registered at Ambernath Police Station, they shall be released on bail upon executing a PR Bond of Rs.25,000/- each and furnishing one or more sureties of the like amount.
- (ii) The applicants shall attend the concerned Police Station as and when required.
- (iii) The applicants, themselves or through any other person, shall not tamper with the evidence or influence the witnesses.

6. The application stands disposed of accordingly.

(R.N. Laddha, J.)