IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 2979 OF 2024

Aarti Mahesh Dhere ...Applicant

Versus

The State of Maharashtra ...Respondent

WITH
ANTICIPATORY BAIL APPLICATION NO. 1912 OF 2024

Vijay Dodhu Patil ...Applicant

Versus

The State of Maharashtra ...Respondent

WITH
INTERIM APPLICATION NO. 3321 OF 2024
IN
ANTICIPATORY BAIL APPLICATION NO. 1912 OF 2024

Sanjay Vyankatesh Modgi ...Applicant

Versus

The State of Maharashtra & Anr. ...Respondents

WITH
ANTICIPATORY BAIL APPLICATION NO. 1914 OF 2024

Atul Kumar Pandey ...Applicant

Versus

The State of Maharashtra ...Respondent

WITH
INTERIM APPLICATION NO. 3330 OF 2024
IN
ANTICIPATORY BAIL APPLICATION NO. 1914 OF 2024

Sanjay Vyankatesh Modgi ...Applicant

Versus

The State of Maharashtra & Anr. ...Respondents

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- Mr. Veerdhaval Kakade, for Applicant in ABA/2979/2024.
- Mr. Aklesh Khupade i/b Mr. Samadhan Kashid, for Applicant in ABA/1912/2024 and 1914/2024.
- Mr. Prasanna P. Malshe, APP for Respondent – State in ABA/2979/2024
- Ms. Rutuja A. Ambekar, APP for Respondent – State in ABA/1912/2024 & 1914/2024.
- Mr. Tanmay T. Jadhav, for Applicant in IA/3321/2024 & 3330/2024.
- Mr. Tushar Bhosale, PSI, Cyber Police Station.

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CORAM : MANISH PITALE, J.
DATE : 03rd DECEMBER, 2024.

P. C. :

1. Heard learned counsel for the applicants and the learned APPs for the respondent – State.

2. In these applications on various dates, this Court had granted interim relief in favour of the applicants with specific direction that they shall remain present before the Investigating Officer and cooperate with the investigation. It is reported that the applicants indeed remained present before the Investigating Officer. This indicates that they have abided by the directions issued by this Court.

3. By order dated 25th July, 2024, this Court granted interim relief in favour of the applicants Vijay Dodhu Patil and Atul Kumar Pandey and while granting such interim relief the following observations were made:

> *"4. This Court is inclined to grant interim relief to the applicants for the following reasons:-*

a. The applicants have not been named in the statement of the informant leading to registration of the FIR. There is only one named accused person, who is said to be the owner of the company allegedly involved in inducing innocent investors to invest huge sums of money on the false promise of handsome returns;

b. The applicants have been added as accused persons during the course of investigation. This Court needs to peruse the material that has come on record during the investigation so as to indicate the role of the applicants;

c. The documents filed along with the application do indicate that the applicants were employees of the said company and in that light, amounts transferred from the account of the company to the accounts of the applicants are being explained as payment towards salary; and

d. The applicants have undertaken to co-operate with the investigation."

4. Subsequently, on 14th November, 2024, this Court granted interim relief in favour of the applicant Aarti Mahesh Dhere, recording the contention of the learned counsel for the applicant that she was only an employee with the proprietorship of the named accused person i.e. Santosh Thorat and that whatever amounts were transferred into her account pertained to her salary.

5. Today when the applications are called out for hearing, the learned counsel for the applicants has reiterated the submissions that they were merely employees of the proprietorship of the named accused person Santosh Thorat and that there is nothing to show that the amount allegedly swindled by the proprietorship of the said accused person i.e. Santosh Thorat found its way to the applicants herein. It is further submitted that since the applicants have cooperated with the investigation and charge-sheet is already filed on 15th September, 2024, this Court may consider allowing the applications.

6. Since this Court had observed in the interim orders itself that investigation papers will have to be perused, the learned APP has invited attention of this Court to the relevant portions of the investigation papers. A reference is made to statements given by witnesses, who were duped like the informant herein, to contend that specific allegations have been made against the applicants and particularly against the applicant Aarti Mahesh Dhere, showing their involvement in inducing and alluring innocent investors.

7. This Court has perused the aforesaid statements. There is indeed reference to the role of the applicant Aarti Mahesh Dhere, but the tenor of such statements indicates that the said applicant may have undertaken such actions being an employee of the proprietorship of co-accused Santosh Thorat.

It is crucial that although allegations of huge amount being transferred in favour of the proprietorship have been made by the informant and the other witnesses, there is hardly any material to indicate that substantial amounts were transferred to the applicants. It appears that apart from the salaries some further small amounts were transferred into the accounts of the applicants. But, that in itself cannot be a factor to foist criminality upon them. They have made out a *prima facie* case in their favour.

8. In view of the above, the interim orders passed in favour of the applicants are made absolute and the applications are allowed. The applicants shall cooperate with the concerned Trial Court during further proceedings.

9. The applications are disposed of.

(MANISH PITALE, J.)