

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.3178 OF 2024

Ganesh Baban Chavan ... Applicant
Vs.
State of Maharashtra ... Respondent

Mr. Amol D. Palke for Applicant.

Mr. Mayur S. Sonavane, APP for Respondent-State.

Mr. Nandakumar Kadam, PI (Crime), Kharghar Police Station, Navi Mumbai.

CORAM : MANISH PITALE, J.
DATE : NOVEMBER 29, 2024

P.C. :

. Heard Mr. Palke, learned counsel for the applicant and Mr. Sonavane, learned APP for the respondent-State.

2. The applicant is apprehending arrest in connection with FIR No.0005 of 2024 dated 02.01.2024 registered with Kharghar Police Station, District - Navi Mumbai, for offences under Sections 406 and 420 read with Section 34 of the Indian Penal Code, 1860 (IPC).

3. The informant has alleged that the named accused persons, who are said to be directors of a particular company, induced and allured the informant and her husband to deposit large sums of money on the promise of attractive returns. Reference is also made to the amounts deposited from time to time. It is alleged that the promised returns never materialized and the total amount misappropriated in the present case is to the tune of about Rs.1.13 crores.

4. The learned counsel for the applicant submits that the applicant is not named in the FIR. Merely because the applicant is the husband of

co-accused Sonali, he has been arraigned as an accused. There is no material to link the applicant with the allegations in the present case and therefore, this Court may consider allowing the application as the applicant undertakes to co-operate with the investigation.

5. On the other hand, the learned APP relies upon statements of witnesses, wherein they have stated that the applicant used to accompany his wife when such persons were instigated to invest amounts. On some occasions, the applicant used to come alone to collect such amounts. It is further submitted that bank account statements have revealed that substantial amounts have been transferred to the applicant herein and therefore, his involvement is evident.

6. The allegations made in the statement of the informant do *prima facie* make out a case against the named accused persons. The investigation has revealed the involvement of the applicant and it cannot be said that he has been arraigned as an accused merely because he is the husband of one of the co-accused persons. The fact that the substantial sums of money have found their way to the applicant indicates the extent of his involvement, and therefore, no case is made out for granting anticipatory bail.

7. The application is dismissed.

(MANISH PITALE, J.)