

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

ANTICIPATORY BAIL APPLICATION NO. 2425 OF 2023

Anupreeta Ramjayam Govindraj & Anr.

..Applicants

Versus

State of Maharashtra

..Respondents

**WITH
INTERIM APPLICATION NO. 3899 OF 2023
WITH
INTERIM APPLICATION NO. 3803 OF 2023
WITH
INTERIM APPLICATION NO. 17 OF 2024
IN
ANTICIPATORY BAIL APPLICATION NO. 2425 OF 2023**

Mr. Rishi Ghorpade a/w. Siddharth A. Mehta a/w. Omkar Khedekar
for Applicants.

Mr. Ritesh Thobde a/w. Ankita P. Rai for Intervenor in IA/3803/23.

Mr. Nagesh Khedkar for informant in IA/17/24.

Mr. H. I. Sirguroh (appeared through V.C.) a/w. Abdul Rehman for
Intervenor in IA/3899/23.

Ms. S. S. Kaushik, APP for State/Respondent.

CORAM :- SARANG V. KOTWAL, J.

DATE :- 3 JANUARY 2024

P. C. :-

1. The Applicants are seeking anticipatory bail in
connection with C.R.No.485 of 2023 dated 21.07.2023 registered

with Bharati Vidyapith Police Station, under Sections 406 and 420 r/w. 34 of the Indian Penal Code.

2. The F.I.R. is lodged by one Sanjay Yewale. It is mentioned in the F.I.R. that, he was in the hotel business, but was in financial difficulty. He came to know that, franchises were offered by hotel Sambar. The said hotel was owned by one Ramajayam. The Applicant No.1 is his daughter and the Applicant No.2 is his son. The first informant met Ramajayam and the Applicant No.2. He showed his interest in taking a franchise. Both of them agreed. The F.I.R. goes on to mention various amounts which the informant had paid to Shri. Ramajayam. It is his case that, he had paid Rs.30 lakhs, but after that the agreement was not executed. The first informant met Ramajayam. At that time, the Applicant No.1 was present. That meeting took place on 05.09.2022. It is alleged that the Applicant No.1 told him that, they were in process of selling a flat at Bengaluru and that the informant's money would be returned. He waited for some days, but the money was not returned. Instead, Ramajayam gave him three cheques of Rs.10 lakhs each. Those cheques were

dishonoured. Therefore, he lodged the complaint U/s.406 and 420 of the I.P.C. The investigation was undertaken and subsequently the provisions of The Maharashtra Protection of Interest of Depositors (In Financial Establishments) Act, 1999 (for short 'MPID Act') were applied.

3. Learned counsel for the applicants submitted that the provisions of MPID Act are not applicable. There is no proof that the amount was paid by the informant to Ramajayam. He submitted that, said Ramajayam was already arrested and as of now he is on bail. The charge-sheet is already filed. There is no specific role of inducement attributed to either of these applicants.

4. Learned APP opposed these submissions. According to her, there were other victims than the first informant and total misappropriated amount is more than Rs.1 crore. She, therefore, opposed grant of ad-interim relief. There are three intervention applications filed in this application by the other victims. These intervention applications are filed by the first informant and two others. All of them opposed grant of ad-interim relief.

5. I have considered these submissions. At this stage, looking at the F.I.R. it does appear that, the role attributed to the present applicants is much lesser to the one attributed to their father. He was already arrested and released on bail. As of today, the investigation is over and the charge-sheet is filed. Learned counsel for the applicant seeks permission to annex a copy of the charge-sheet. Considering the lesser role played by the applicants, till the next date, they can be protected by ad-interim relief.

6. Hence, the following order.

ORDER

- i) Leave to amend to annex a copy of the charge-sheet. It shall be done within a period of three weeks from today.
- ii) In the event of their arrest in connection with C.R.No.485 of 2023 registered with Bharati Vidyapith Police Station, Pune city, till the next date, the Applicants be released on bail on their executing P. R. bonds in the sum of Rs.50,000/- each (Rupees Fifty Thousand Only) with one or two sureties each in the like amount.

- iii) This order shall operate till 02/02/2024.
- iv) The Applicants shall attend the concerned Police Station from 16/01/2024 to 18/01/2024 between 1.00 p.m. to 3.00 p.m. and shall cooperate with the investigation.
- v) Stand over to 02/02/2024.

(SARANG V. KOTWAL, J.)