



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CRIMINAL APPLICATION (ABA) NO.228 OF 2024

(Babarao Namdeorao Khadse and anr. Vs. The State of Maharashtra)

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. N.R. Saboo, Advocate for the applicants.
Ms R.V. Sharma, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- MAY 6, 2024

Apprehending arrest at the hands of Police in connection with Crime No.95/2024 registered with police station Bramhanwada Thadi, Taluka Chandur Bazar, District Amravati for the offence punishable under Sections 406, 409, 417, 420 read with Section 34 of the Indian Penal Code, 1860, the applicants approached this Court for grant of pre-arrest bail.

2. As per recitals of the FIR dated 22/02/2024 filed by one Ujwala Sinkar alleging that the company by name M/s Jai Durga, Foods and Agro India Private Limited organized one meeting in the village namely Sonori, Taluka Chandur Bazar, District Amravati and present applicants have induced the villagers to invest the amount. Accordingly, she has invested the amount. Thereafter the returns as per the agreement were not received by her and she was duped. On the basis of said report, police have registered the crime against the present applicants.

3. Learned Counsel for the applicants submitted that as far as the allegations are accepted as it is, it is only to the extent that the applicants have induced the informant to invest the amount. In fact, the present applicants have also invested the amount and they are also the victims of the said scheme. He submitted that considering the role attributed to the present applicants they have not received any amount from any of the investor, therefore, their custodial interrogation is not required and they be released on anticipatory bail.

4. *Per contra*, learned APP strongly opposed the application on the ground that considering the various investors have invested the amount on the inducement of the present applicants, the prayer for grant of anticipatory bail deserves to be rejected.

5. I have heard learned Counsel for both the parties and perused the investigation papers which reveals that the Investigating Officer has recorded the statements of various witnesses who are the investors from which it reveals that the present applicants are the persons who have asked the investors to invest the amount. In fact, the present applicants have also invested the amount and the applicants have also filed complaint against the said Company before the Judicial Magistrate First Class at Chandur Bazar. Considering the statements of the witnesses only role attributed the present applicants is that they have induced. In fact, the statements further

shows that representatives of the company is also present there and they have explained the scheme of the company and thereafter the investors have invested the amount. Thus, it is not only on the inducement of the present applicants, the investors have invested the amount. As far as the custodial interrogation is concerned which is not required as the applicants have not received any amount in their account or personally. Therefore, interim protection granted to the present applicants deserves to be confirmed.

6. Hence, the application is allowed and the interim protection granted to the applicants vide order dated 05/04/2024 is hereby confirmed on the same terms and conditions.

7. The application is disposed of

(URMILA JOSHI-PHALKE, J.)

**Divya*