2024:BHC-NAG:5866

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (ABA) NO.372 OF 2024

Sanjeev Devanlal Katre
Vs.
The State of Gujarat, Through Police Station Officer, Economic Offences Prevention Branch Unit -1, CID Crime, Gandhinagar, Ahmedabad City and another
AND

CRIMINAL APPLICATION (ABA) NO.373 OF 2024

Harishsingh s/o Vishnudatta Sisodia
Vs.
The State of Gujarat, Through Police Station Officer, Economic Offences Prevention Branch Unit -1, CID Crime, Gandhinagar, Ahmedabad City and another

Office Notes, Office Memoranda of Coram, appearances, Court's orders of directions and Registrar's orders	Court's or Judge's orders

Mr. P. S. Wathore, Advocate for applicants.
Mr. M. J. Khan, APP for respondent No.2/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 10/06/2024

1. Apprehending the arrest at the hands of Police in connection with Crime No.11201002240006 at Economic Offences Prevention Branch Unit – 1, CID Crime, Gandhinagar, Ahmedabad City for the offences punishable under Sections 409, 420, 120-B of the Indian Penal Code, Sections 4, 5, 6 of the Prize Chits and Money Circulation Schemes (Banning) Act, 1978 and Sections 21(3), 23 and 25(1) of the Banning of Unregulated Deposit Schemes Act, 2019, Section 3 of the Gujarat Protection of Interest of Depositors (In Financial Establishment) Act, 2003

and Section 66 (d) of the Information Technology Act, the present applications are for transit anticipatory bail.

2. The applicants are apprehending arrest at the hands of police, as crime is registered against them, on an allegation that the co-accused have claimed themselves to be the promoter of DABANK and SYSCOM Company which is situated at Scotland United Kingdom and they are doing the business of Network Marketing. It is further alleged that the company promoters have flouted their scheme in the market by inducing the customers/investors of high returns, in view of their investment in the respective schemes. The attractive offers like gifting gold expensive cars like Mercedes, BMW abroad tours and commission on the investment as per the schemes. It is further alleged that the company used to conduct online meetings and apprised of the network marketing system. The investors availing different mode of investments in the company are compensated in terms of money on their investments. The relatives of the complainant invested amount Rs.9,00,000/- to 10,00,000/- and received commission in parts which according to the complainant is a meager amount. It is alleged that two accused persons Vinay Prajapati and his son Dhruv Prajapati who themselves in fact are the free lancers, company agents/promoters and in their downline number of investors have invested money

and complainant did not get the expected returns. As far as the present applicants are concerned, their involvement on the allegation that they instigated the complainant to invest the amount and induced the other investors. As far as the co-accused are concerned, namely Vinay Prajapati and Dhruv Prajapati are already arrested by the concerned investigating agency.

3. Learned Counsel for the applicants submitted that as far as the present applicants are concerned, the allegations against them is that they have induced the complainant and other investors to invest the amount. As far as the online meetings and other offers are concerned, which are by the free lancers i.e. co-accused Vinay Prajapati and Dhruv Prajapati. The immediate custodial interrogation of the present applicants is not required. The applicants required some time to approach to the concerned Court and secure the transit anticipatory bail. In the meantime, they be protected by granting protection to them.

4. Learned APP strongly opposed the said application on the ground that the concerned investigating agency is not served with the notice. Considering the recitals of the FIR, serious allegations are made against the present applicants for the offence punishable under Section 409 of the Indian Penal Code imprisonment for life is provided.

Considering the same, the applications deserves deserves to be rejected.

5. Learned Counsel for the applicants placed reliance on **N. K. Nayar, Director, Hastinapur Metals Ltd., Bombay and others Vs. State of Maharashtra and others** reported in **1985 Mh.L.J.450**, wherein it is held that the High Court has jurisdiction to grant anticipatory bail to persons against whom criminal proceedings are contemplated in some other State where arrest is likely to be made within jurisdiction of High Court.

6. After hearing the learned Counsel for the applicants and learned APP for the State, perused the recitals of the FIR from the transcribed copy of the FIR, from which it reveals that the applicants are apprehending arrest at the hands of police, as allegations are made against them that they have induced the several investors to invest the amount. As far as the allegations are concerned, it is only to the extent of inducement. The immediate custodial interrogation of the present applicants is not required. In view of that, applicants can be protected by granting anticipatory bail till 18.06.2024 which is a transit bail on imposing certain conditions accordingly, I proceed to pass following order:

ORDER

(i) The Criminal Application (ABA) No.372/2024 and Criminal Application (ABA) No.373/2024 are allowed.

(ii) In the event of arrest, the applicant in Criminal Application (ABA) No.372/2024 **Sanjeev Devanlal Katre** and applicant in Criminal Application (ABA) No.373/2024 **Harishsingh s/o Vishnudatta Sisodia** shall be released on transit anticipatory bail, in connection with Crime No.11201002240006 at Economic Offences Prevention Branch Unit – 1, CID Crime, Gandhinagar, Ahmedabad City for the offences punishable under Sections 409, 420, 120-B of the Indian Penal Code, Sections 4, 5, 6 of the Prize Chits and Money Circulation Schemes (Banning) Act, 1978 and Sections 21(3), 23 and 25(1) of the Banning of Unregulated Deposit Schemes Act, 2019, Section 3 of the Gujarat Protection of Interest of Depositors (In Financial Establishment) Act, 2003 and Section 66 (d) of the Information Technology Act, on executing PR bond of Rs.1,00,000/- with one solvent surety in the like amount, till 18.06.2024.

(iii) The applicants shall immediately attend the concerned investigating agency in their office at Economic Offences Prevention Branch Unit -1, CID Crime, Gandhinagar, Ahmedabad City and shall co-operate with the investigating agency.

(iv) The applicants shall approach to the concerned Court for the further relief.

7. Authenticated copy of this order be supplied to the parties concerned.

8. The applications are disposed of.

(URMILA JOSHI-PHALKE, J.)

Sarkate