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

CRIMINAL APPLICATION (ABA) NO.471 OF 2024
(Rashmi d/o Vasantkumar Uike 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

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Mr. F.T. Mirza, Sr. Advocate a/b Mr. A.S. Deshpande, Advocate for applicant.
Ms T.H. Udeshi, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- AUGUST 26, 2024.

By this application, the applicant is seeking pre-arrest bail in connection with Crime No.196/2024 registered with Police Station Ranapratap Nagar, Nagpur for the offences punishable under Sections 420 read with Section 34 of the Indian Penal Code and Section 3 of the Maharashtra Protection of Interest of Depositors (In Financial Establishments) Act, 1999.

2. The accusation against the present applicant is on the basis of report lodged by one of the investor namely Vasudeo Sakharam Raut on an allegation that the co-accused namely Priyanka Uike and Nilesh Uike are the Proprietors of Captree Investment Company and the company accepts financial investments from investors and thereafter further invests that amount in the stock markets and on that basis gives handsome dividends to the investors. The informant and his friend Dipak Chaurasiya went to the house of accused No.1 i.e. Nilesh Uike on 01/12/2021, at that time, the co-accused informed to the

informant and his wife that they are owner of the investment company by name Captree Investment company and also induced them to invest the amount on the promise that if they invest the amount they would get the handsome returns on which the informant invested amount as well as the various investors invest the amount but they could not get the benefit and they were duped. On the basis of said report, police have registered the crime against the present applicant.

3. Learned Senior Counsel for the applicant submitted that as far as the role of the present applicant is concerned except she is the sister of co-accused Nilesh no other role is attributed to her. No financial gain is received by her. He submitted that the documents filed on record shows that it is the Priyanka Uike who was the Proprietor of the said company and the documents are filed on record to that extent. As far as the present applicant is concerned who is serving in a company as a Consultant and her account statements also shows that she received the amounts in her account which is her salary account. He submitted that considering the entire recitals of the FIR in which except the mentioning of the name, no other role is attributed to her, therefore, her custodial interrogation is required. In view of that, she be protected by granting anticipatory bail. He further invited my attention towards the WhatsApp chat which took place between the various investors on WhatsApp group and submitted that the conspiracy was hatched to implicate

the present applicant being she is the sister of the co-accused and in view of that police have implicated her.

4. Learned APP strongly opposed the said application and placed on record the various statements of the witnesses as well as the information collected by the Investigating Officer which shows that present applicant has opened her Demat account. She submitted that if applicant is only serving in one company it is not necessary for her to open the Demat account. She submitted that the subsequent FIR is filed against the co-accused at Amravati. The investigation is at a primary stage. As far as the availability of the present applicant is concerned even the Investigating Officer attempted to serve her notice under Section 91 but he could not serve as her whereabouts are not known. Considering the same, if she is released on anticipatory bail, she would abscond and would not be available for trial. In view of that, the application deserves to be rejected.

5. I have heard learned Senior Counsel for the applicant as well as learned APP for the State. Perused the investigation papers as well as recitals of the FIR and the various statements recorded during the investigation. From the investigation papers and various statements it reveals that except she being a sister of the co-accused, there is no other allegation that either she induced or any amount is received by her out of the said investment. Admittedly, the investigation is at initial stage but

considering the role attributed to her from the statement of the various witnesses, at this stage, her involvement itself appears to be doubtful. As far as the investigation part is concerned which can be taken care of by imposing certain conditions on the present applicant. Hence, the application deserves to be allowed. Accordingly, I proceed to pass the following order :

(i) The application is allowed.

(ii) In the event of the arrest, the applicant - Rashmi d/o Vasantkumar Uike in connection with Crime No.196/2024 registered with Police Station Ranapratap Nagar, Nagpur for the offences punishable under Sections 420 read with Section 34 of the Indian Penal Code and Section 3 of the Maharashtra Protection of Interest of Depositors (In Financial Establishments) Act, 1999, be released on anticipatory bail on executing P.R. bond in the sum of Rs.25,000/- with one surety in the like amount.

(iii) The applicant shall attend the office of Economic Offence Wing, Nagpur twice in a week i.e. on every Sunday and Thursday between 10.00 AM and 1.00 PM and shall cooperate with the investigating agency.

(iv) The applicant shall furnish her detailed address with address proof and the Cell phone number before the investigating agency.

(v) The applicant shall not induce, threat or promise any witnesses in any manner who are acquainted with the facts of the case.

(vi) The applicant shall not leave India without prior permission of the District Court, Nagpur and shall surrender her passport, if she is having, before the investigating agency.

6. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)

**Divya*