



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

CRIMINAL APPLICATION (BA) NO.798 OF 2024

Sumedh Dattapanth Athwale

Vs.

State of Maharashtra, Through Police Station Officer, Shirajgaon Kasba,
District Amravati

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

Court's or Judge's orders

Mr. R. J. Shinde, Counsel for applicant.

Mr. A. V. Palshikar, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 09/09/2024

1. The applicant came to be arrested on 24.06.2024 in connection with Crime No.250/2024, registered with Police Station, Shirajgaon Kasba, District Amravati for the offences punishable under Sections 420, 171, 170, 107 read with Section 34 of the Indian Penal Code.

2. The crime is registered on the basis of report lodged by Vishnupant Kalane on an allegation that one Pradip Rathi was his friend. The said Pradip Rathi informed the complainant that he knows of the scheme whereby on investing Rs.2,50,000/- the investors can get Rs.10,00,000/-. He further assured that his friend Gautam has floated the scheme and amount is to be paid to him. Accordingly, the complainant met said Gautam and Gautam assured the complainant that several people have invested in

the scheme. The accused Gautam called to the co-accused Sanjay and on 20.06.2024 the complainant met with Sanjay. The complainant accordingly paid the said amount to one of the accused Sanjay and thereafter, the complainant has not received any returns or the principal amount also. Thus, the complainant is duped. On the basis of said report, police have registered the crime against the present applicant.

3. Learned Counsel for the applicant submitted that as far as the present applicant is concerned, his name is not mentioned in the FIR. Only presence of the present applicant along with the co-accused is not sufficient to show his involvement in the alleged offence. Now, the investigation is already completed and charge-sheet is filed, further incarceration of the present applicant is not required, in view of that, he be released on bail.

4. Learned APP strongly opposed the said application and submitted that the involvement of the present applicant is an economic offence. The several investors are duped in the similar manner. Considering the statements of various witnesses from which the involvement of the present applicant revealed, in view of that, the application deserves to be rejected.

5. After hearing the learned Counsel for the applicant and learned APP for the State, perused the investigation papers from which it reveals that on the pretext of investment, the amount was obtained from the complainant by the co-accused on promising him that he can receive double the amount on his investment and therefore, the informant has invested the amount. As far as the present applicant is concerned, the allegation is only to the extent that he was accompanying the other co-accused when the complainant has handed over the amount. As far as the allegations to hand over the amount is concerned is against the co-accused. Thus, considering the role attributed to the present applicant, his further incarceration is not required. Now the investigation is already completed and charge-sheet is filed, in view of that, the application deserves to be allowed. Accordingly, I proceed to pass following order:

ORDER

(i) The application is allowed.

(ii) The applicant **Sumedh Dattapanth Athwale** shall be released on bail, in connection with Crime No.250/2024, registered with Police Station, Shirajgaon Kasba, District Amravati for the offences punishable under Sections 420, 171, 170 and 107 read with Section 34 of the Indian Penal Code, on executing PR Bond in the sum of Rs.25,000/- with one solvent surety in the like amount.

(iii) The applicant shall attend the concerned Police Station once in month of first of every month and the Investigating Officer shall record his presence.

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

(v) The applicant shall attend the proceeding before the trial Court without seeking any exemption unless there are exceptional circumstances.

6. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)