



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

CRIMINAL APPLICATION (ABA) NO.691/2024

Neha Santram Uikey

Vs.

State of Maharashtra thr. P.S.O., P.S., Ranapratap Nagar, Nagpur

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

Court's or Judge's orders

Shri F.T. Mirza, Senior Advocate a/w Shri A.S. Deshpande, Advocate for applicant
Shri H.N. Prabhu, AGP for respondent/State

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 10/12/2024

Present application is filed by the applicant for 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 and 406 read with Section 34 of the Indian Penal Code and under Section 3 of the Maharashtra Protection of Interest of Depositors (In Financial Establishments) Act, 1999.

2. As far the recitals of the First Information Report, the crime is registered on the basis of the report lodged by one of the investors namely Wasudeo Sakharam Raut, alleging that co-accused namely Priyanka Uikey and Nilesh Uikey are the proprietors of the Captree Investment Company and the Company accepts the financial investments from investors and thereafter further invested in the stock market and on that basis induced the investors to invest the amount on a promise that they would get handsome dividend from the said investment. The informant and Mr.

Deepak Chaurase approached to the co-accused Nilesh Uikey on 01/12/2021, at that time said Nilesh Uikey informed the informant and his wife that they are owners of the investment company by name Captree Investment and induced them to investing amount on the promise of handsome returns. On investment of the said amount the informant and his wife neither received any returns, even their invested amount is also not received by them and they were duped. On the basis of the said report, Police have registered the crime against the applicant.

3. Learned Senior Counsel submitted that as far as the role of the present applicant is concerned, except she being the sister of co-accused Nilesh, no other role is attributed to her. He submitted that the reply filed by the State shows that she was employee of the said Investment Company, but merely she was employee is not sufficient to implicate her in the alleged offence. As far as overt act is concerned, is not attributed to her. There is no inducement on her part. In view of that interim protection granted to her deserves to be confirmed.

4. Learned APP strongly opposed the said application and submitted that the statement of one of the investor namely Akhilesh shows that he has invested the amount and the said amount was transferred in the account of present applicant. Thus, she is the beneficiary of the said investment. Moreover, she is the employee of the said Financial Company. Thus, considering that she is not only the

office bearer of the Company but she has received the some amount in her account, which sufficiently shows that involvement in the alleged offence. There are other two complaints registered against the present applicant, in view of that bail application deserves to be rejected.

5. After hearing learned Senior Counsel for the applicant and learned APP for the State, perused investigation papers, there is no dispute as to the fact that the applicant is the employee of the said Investment Company and she is the salaried employee. The statement of one of the investors shows the role of the present applicant that he has invested the amount by transferring the amount in her account. On perusal of the statement of the said investor Akhilesh shows that it was co-accused who has asked him to invest the amount by depositing the same in the account of the present applicant, and therefore, the said amount was deposited. Thus, considering the fact that there was no investment on the inducement of the present applicant but the amount was transferred on the say of co-accused in her account, applicant has made out a case for grant of anticipatory bail. Accordingly, I proceed to pass the following order:

ORDER

- (i) Application is allowed.
- (ii) In the event of arrest in connection with

Crime No. 196/2024, registered with Police Station Ranapratap Nagar, Nagpur, for the offences punishable under Sections 420 and 406 read with Section 34 of the Indian Penal Code and under Section 3 of the Maharashtra Protection of Interest of Depositors (In Financial Establishments) Act, 1999, the applicant - **Neha Santram Uikey**, be released on ad-interim anticipatory bail on executing P.R. Bond in the sum of Rs.25,000/- with one solvent surety, in the like amount.

(iii) The applicant shall attend the concerned office of the Economic Offences Wing, Nagpur, twice in a month on 1st and 15th of every month between 10:00 a.m. to 1:00 p.m. 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 directly or indirectly make any inducement and threat or promise to any person acquainted with the facts of the present case.

(vi) The applicant shall not leave the Nagpur District without prior permission of the District Court, Nagpur.

6. The application is disposed of

JUDGE

Jayashree....