



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

**CRIMINAL APPLICATION (ABA) NO.777 OF 2023**

Pankesh s/o Diwarkar Gedam

Vs.

State of Maharashtra, Through Police Station Officer, Police Station, Dhanora, District  
Gadchiroli

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

Court's or Judge's orders

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Mr. A. Y. Sharma, Advocate for applicant.  
Mr. A. G. Mate, APP for respondent/State.

**CORAM : URMILA JOSHI-PHALKE, J.**  
**DATED : 09/01/2024**

1. By this application, the applicant is seeking pre-arrest bail, in the event of his arrest in connection with Crime No.93/2023 registered with Police Station Dhanora, District Gadchiroli for the offence punishable under Section 420 read with Section 34 of the Indian Penal Code.

2. The applicant is apprehending arrest at the hands of police, as accusation against him is made on the basis of a report lodged by Jyoti Darwade, on an allegation that the co-accused induced her to invest the amount in the company by name Tradewin and accordingly, took her at the house of the present applicant and the present applicant also induced her for investment of the amount. Accordingly, she has deposited the amount in the account of co-accused Varsha. But, after depositing the said amount, she has not

received any returns and the principal amount is also not received by her. Thus, she has duped by the present applicant and other co-accused.

3. The learned counsel for the applicant submitted that, as far as the allegations are concerned, the amount was handed over to the co-accused and not to the present applicant. The allegation nowhere shows that the amount was handed over or deposited in the account of the present applicant. The only allegation is that the applicant has induced her to invest the amount. Present applicant has already cooperated with the investigating agency. In view of that, he be released on anticipatory bail.

4. Learned APP strongly opposed the present application on the ground that, along with the co-accused, the present applicant has also induced the informant to invest the amount. Accordingly, informant invested the amount and not received any returns. Thus, *prima facie* role is made out of the present applicant. In view of that, criminal application deserves to be rejected.

5. Having heard the learned Counsel for the applicant and learned APP for the State. On perusal of the FIR and the statements of the various witnesses. It shows that the only role is attributed to the present applicant that the co-accused taken the informant at his house and he has asked her to invest the amount. No other role is attributed to the present applicant. Considering the role mentioned in the FIR and the

statements, the custodial interrogation of the present applicant is not required. The co-accused who is the wife of the present applicant, against whom the similar allegations are levelled is already released on bail. In view of that, interim protection granted in favour of the present applicant deserves to be confirmed. Accordingly, I proceed to pass the following order.

**ORDER**

[i] The application is allowed.

[ii] In the event of arrest the applicant **Pankesh s/o Diwarkar Gedam** be released on anticipatory bail, on executing PR bond in the sum of Rs.25,000/- with one solvent surety in the like amount, in connection with Crime No.93/2023 registered with Police Station Dhanora, District Gadchiroli for the offence punishable under Section 420 read with Section 34 of the Indian Penal Code.

[iii] The applicant shall attend the concerned Police Station as and when required and shall cooperate with the investigating agency.

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

The application is disposed of.

**(URMILA JOSHI-PHALKE, J.)**