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

CRIMINAL APPLICATION (ABA) No. 821 OF 2024

Sanjay s/o Devaji Handekar Vs 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

Mr. V.R. Borkar, counsel for applicant.
Mr. Anant Ghongre, APP for non-applicant/State
Mr. Niwrutti P. Meshram, counsel for Assist to Prosecution.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 26/02/2025.

CRIMINAL APPLICATION NO. 2246 OF 2024

1. This is an application for assist to prosecution.

2. For the reasons stated in the application, the complainant is permitted to engage the counsel to assist the prosecution.

3. Learned counsel for the complainant seeks time to file an affidavit by verifying the facts of which investors have received the amount.

4. The Criminal Application No. 2246 of 2024 is disposed of.

CRIMINAL APPLICATION (ABA) NO. 821 OF 2024

1. Apprehending the arrest at the hands of police in connection with Crime No.303/2024 registered with Police Station, Lakhandur, District Bhandara for the offences punishable under Sections 420, 417, 406 and 120-B of the Indian Penal Code, 1860 and Sections 3 and 4 of the

Maharashtra Protection of Interest of Depositors (In Financial Establishment) Act, 1999 and Sections 21 and 22 of the Banning of Unregulated Deposits Scheme Act, 2019.

2. The applicant is apprehending the arrest at the hands of police as crime is registered against him, on the basis of a report lodged by Aviraj Jagan Sawarkar. On an allegation that he got acquaintance with the co-accused, Kailash Shaymrao Landge, who informed him about the Infinity Empire Trading Company, wherein the present applicant was also one of the directors. It is alleged that they have induced him to deposit the amount in the scheme on a promise of getting the handsome returns. Initially, some returns are received by him, but suddenly the company was closed, and he has lost his invested amount. Thus, he is duped by the present applicant as well as the other co-accused. On the basis of the said report, police have registered the crime. During the investigation, it was revealed that more than 300 investors were duped in a similar manner, and therefore, the crime is registered against the present applicant.

3. Heard learned counsel, Mr. V.R. Borkar for the applicant, who submitted that as far as the custodial interrogation of the present applicant is concerned, which is not required. He further submitted, by way of affidavit, that some of the amounts of some of the investors have already been repaid. Thus, considering the bonafides on the part of the present applicant, his prayer for grant of anticipatory bail be considered.

4. Learned APP filed his reply and strongly opposed the said application.

5. Considering the affidavit of the present applicant, which is sworn on 06/02/2025, wherein it is stated that the complainant had paid Rs. 5,00,000/- to the applicant and not received the same. But in fact, he received the total amount to the tune of Rs. 63,65,118/- in his account and the account of his wife and daughter. Similarly, one of the team leaders, Kailash Bhasakhatri, according to the list annexed with the petition, paid Rs. 10 lakhs, and he has received an amount of Rs. 34,56,236/-. Thus, it is stated that the investors, who have invested the amount, have already received the amount in their accounts. Whatever the amount received by the applicant from the team leaders is already returned with interest to the said team leaders through online transfer or cash, and the said team leaders are under an obligation to pay the same to their individual depositors. Learned counsel for the complainant stated that he wants to verify the same.

6. Considering the affidavit and the statement made in the affidavit, at this stage, the applicant has made out a case for grant of ad-interim protection. Accordingly, I proceed to pass the following order.

a] In the event of arrest, in connection with Crime No.303/2024 registered with Police Station, Lakhandur, District Bhandara for the offences punishable under Sections 420, 417, 406 and 120-B of the Indian Penal Code, 1860 and Sections 3 and 4 of the Maharashtra Protection of Interest of Depositors (In Financial Establishment) Act, 1999 and Sections 21 and 22 of the Banning of Unregulated Deposits Scheme Act, 2019, the applicant – Sanjay s/o Devaji Handekar, shall be released on ad-interim anticipatory bail, on executing P.R. Bond of Rs. 25,000/- with one solvent surety in the like amount.

b] The applicant shall attend the Lakhandur Police Station once in a week on Monday between 10.00 a.m. to 01.00 p.m. and shall cooperate with the investigating agency.

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

d] Learned APP waives service of notice on behalf of non-applicant/State and seeks time to file reply.

5. Stand over after **two weeks.**

[**URMILA JOSHI-PHALKE, J.]**

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