



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

CRIMINAL APPLICATION (ABA) NO. 753/2025

Giriraj A. Pandey Vs. State of Maharashtra

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

Court's or Judge's orders

Mr. Yash Kullarwar, Advocate for the Applicant.
Ms T. H. Udeshi, A.P.P. for the Non-applicant/State.

CORAM : MRS.VRUSHALI V. JOSHI,J.

DATED : 04/11/2025.

. Heard.

2. The applicant has apprehension of arrest in Crime No.366/2018 registered with Police Station Darwha, District Yavatmal for the offences punishable under Sections 120-B, 406, 417, 418, 420, 467 and 468 of the Indian Penal Code.

3. It is the case of the prosecution that the complainant, who is the Managing Director of Company had duped the poor labourers asking them to invest their hard earned money with the Company. The scheme was that if a person invests Rs.300/- per month for the period of 5 year, the total investment would be Rs.18,000/-. But the Company would return Rs.25,200/- for the aforesaid investment. The complainant got influenced by the said scheme and so she invested her hard earned money. She continued her investment for 22 months. She came to know that the office of the Company is closed and no staff of the said company was available in the said office. She also came to know that, other investors are also duped by the applicant's Companies. On these grounds, the complainant approached the police and lodged the complaint.

4. The learned Counsel for the applicant has stated that the applicant is in Udaypur Jail since 25.6.2019. He is facing the trial for similar offences and also for the offence under Section 3 of the Maharashtra Protection of Interest of Depositors (in Financial Establishments) Act, 1999 (MPID Act). Though the offence is registered in 2018, the police did not ask for custody of this applicant since then. As the applicant is in Jail since 2019 and has filed this application for grant of anticipatory bail, he has relied on the judgment of the Hon'ble Apex Court in the case of *Dhanraj Aswani Vs. Amar S. Mulchandani and Anr.* [(2024) 10 SCC 336] in support of his argument that though the applicant is in jail, the anticipatory bail in another offence is maintainable. He has also relied on the judgment of the Hon'ble Apex Court in the case of *Gursewak Singh Vs. State of Punjab* [Petition for Special Leave to Appeal (Cri.) No.11234/2025], wherein the Hon'ble Apex Court has granted bail and observed in paragraph No.7 as under :

“7. One another aspect of the matter we need to highlight is that while considering the plea for anticipatory bail why should the High Court ask a question to the investigating agency as to why the accused had not been arrested for the last four years. The fact that the petitioner was not arrested for four years by itself was a good ground for the High Court to exercise its discretion and order grant of anticipatory bail.”

The learned Counsel for the applicant has further stated that there are four offences registered in Maharashtra. In two offences, the applicant is protected by granting regular bail and in one offence he is protected by

granting anticipatory bail. If he is acquitted in trial before the Udaypur Court, there is every possibility of taking him in custody by respondent in this offence and therefore, has prayed to protect the applicant by granting anticipatory bail.

5. The learned A.P.P. opposed the application stating that there are seven to eight offences registered against this applicant. All the offences are economic offences. The poor investors were duped by this applicant. Hence, prayed to reject the application.

6. Heard both the learned Counsel for the respective parties.

7. The applicant is in Udaypur jail and facing trial there. Similar offences are registered along with the offence under the provision of MPID Act. It appears that, four offences are registered in Maharashtra. In two offences the applicant is released on regular bail and in one offence he is arrested. Since 2018 his custody was not asked. The application cannot be rejected.

8. As the applicant is facing the trial in other offences and no steps are taken for further investigation and his custody is not required since last seven years, the applicant is deserved to be protected. Accordingly, I pass following order:

i] It is directed that in the event of arrest of the applicant in connection with Crime No.366/2018 registered with Police Station Darwha, District Yavatmal for the offences punishable under Sections 120-B, 406, 417, 418, 420, 467 and 468 of the Indian Penal

Code, he shall be released on bail on furnishing P.R. Bond in the sum of Rs.25,000/- with one solvent surety in the like amount.

ii] The applicant shall not in any way tamper with the prosecution evidence.

iii] The applicant shall not pressurize or threaten the prosecution witnesses.

iv] The applicant shall attend the concerned police station on every Monday and Saturday between 1:00 p.m. to 2:00 p.m.

v] The applicant shall co-operate the investigation officer.

The application stands disposed of.

(MRS. VRUSHALI V. JOSHI, J.)