

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.383 OF 2024

1. Shyam Kaluram Bhoir ...Applicants
2. Vanmala Shyam Bhoir
Versus
The State of Maharashtra ...Respondent

WITH
INTERIM APPLICATION NO.993 OF 2024
IN
ANTICIPATORY BAIL APPLICATION NO.383 OF 2024

Haresh Laxman Payer ...Applicant

IN THE MATTER BETWEEN

1. Shyam Kaluram Bhoir ...Applicants
2. Vanmala Shyam Bhoir
Versus
The State of Maharashtra ...Respondent

Mr. Suhas Kadu a/w Rajuram Kuleriya, Chinmay Dhanavade &
Zaid Sultan, for the Applicants.
Ms. G. P. Mulekar, APP, for the Respondent-State.
Mr. Nilesh V. Kondalkar, attached to Uran Police Station, Navi
Mumbai, present.

CORAM: MADHAV J. JAMDAR, J.
DATED: 16 FEBRUARY 2026

PC:-

1. Heard Mr. Kadu, learned Counsel appearing for the
Applicants and Ms. Mulekar, learned APP for the Respondent-State
of Maharashtra.

2. By the present Anticipatory Bail Application filed under Section 438 of the *Code of Criminal Procedure, 1973*, the Applicants are seeking pre-arrest bail in connection with CR No.259 of 2023 registered with the Uran Police Station, Navi Mumbai, for the offences punishable under Sections 420, 409, 120B and 34 of the *Indian Penal Code, 1860*, Section 3, 4 and 5 of the *Prize Chits and Money Circulation Schemes (Banning) Act, 1978* and Sections 3, 4, 5 and 6 of the *Maharashtra Protection of Interest of Depositors (In Financial Establishments) Act, 1999*.

3. A learned Single Judge has already granted interim protection to the Applicants by Order dated 9th February 2024.

The said Order dated 9th February 2024 reads as under:

“1. The Applicants are seeking anticipatory bail in connection with C.R.No.259/2023, dated 20/12/2023, registered with Uran Police Station, Navi Mumbai, under sections 420, 409, 120-B r/w 34 of the Indian Penal Code, under sections 3, 4, 5 of Prize Chits Money Circulation Schemes (Banning) Act, 1978 and under sections 3, 4, 5, 6 of the Maharashtra Protection of Interest of Depositors Act, 1999.

2. Heard Mr. Kedar J. Patil, learned counsel for the Applicant and Ms. Mahalakshmi Ganapathy, learned APP for the State.

3. *The FIR is lodged by one Haresh Payer. The gist of the FIR is that the informant, Pankaj Patil, Shrikant Gaikwad and Kiran Jambhulkar invested Rs.52,08,000/- with the Applicants' son Akshay on his representation to give handsome return on their investment. The entire scheme was fraudulent and all of them lost their money. On this basis, the FIR is lodged.*

4. *The Applicants are parents of said Akshay. During investigation it is transpired that some amount has gone in their account and hence they are seeking anticipatory bail.*

5. *Learned counsel for the Applicants submitted that the entire allegations are alleged against the Applicants' son Akshay. The representation was made by him. The amounts were accepted by him and the allegations regarding non-payment of dues are also against him. As far as the Applicants are concerned, there are some bank entries which show that some amount is received in their accounts. Those accounts were actually operated by their son. The Applicant No.1 is working in BPCL. He has no connection with his son's activities. The Applicant No.2 is a lady.*

6. *Learned APP submitted that the investigation has revealed that the statement of informant Payer, which is treated as the FIR itself mentions that Rs.8 lakhs were deposited in the Applicant No.1's bank account and Rs.6 lakhs were deposited in the Applicant No.2's bank account.*

7. *Learned counsel for the Applicants submitted that the Applicants' role is limited, both of them are willing to deposit that amount with the police and they have no objection if that amount is withdrawn by the said victims.*

8. *Considering this statement, the Applicants can be protected by way of ad-interim relief to test their bonafides.*

9. *Hence, the following order :*

ORDER

- (i) In the event of their arrest in connection with C.R.No.259/2023, dated 20/12/2023, registered with Uran Police Station, Navi Mumbai, till the next date, the Applicants are directed to be released on bail on their furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) each, with one or two sureties each, in the like amount.*
- (ii) The Applicants are permitted to deposit the amount of Rs.14 lakhs with the Investigating Officer.*
- (iii) This order shall operate till 23/02/2024.*
- (iv) The Applicants shall cooperate with the investigation in the meantime.*
- (v) Stand over to 23/02/2024.”*

4. It is recorded in the said Order dated 9th February 2024, that the Applicants are parents of the main Accused - Akshay Bhoir and certain amount has been deposited in the bank accounts of the Applicants. In the said Order dated 9th February 2024, it has been

recorded that, the Applicants are ready to deposit the said amount with the Police and they have no objection if that amount is withdrawn by the said Victims.

5. Mr. Kadu, learned Counsel for the Applicants, submits that the said amount has been deposited with the Investigating Officer and the Victims have already filed Application for withdrawal of the said amount.

6. Ms. Mulekar, learned APP, states that the main Accused i.e. Akshay Bhoir has been arrested and he is released on regular bail and the Charge-sheet has been filed against him. She states that the Charge-sheet will be filed against the present Applicants within a short period.

7. Mr. Kadu, learned Counsel for the Applicants, on instructions of the Applicants, again reiterates the statement recorded in the Order dated 9th February 2024 that the Applicants will have no objection if the amount which has been deposited with the Investigating Officer is allowed to be withdrawn by the Victims.

8. Accordingly, the Anticipatory Bail Application is disposed of in terms of the Order dated 9th February 2024, on the condition that the Applicants shall attend the concerned Police Station on 23rd February 2026 and 24th February 2026 and shall cooperate with the investigation.

9. As the Anticipatory Bail Application is disposed of, nothing survives in the Interim Application and the same is also disposed of.

[MADHAV J. JAMDAR, J.]