

MHKO010051002022



ORDER BELOW EXH. 139 IN SPECIAL (MPID) CASE No.285/2022

The accused No.17- Shivaji Bapu Koli was arrested on 03/04/2023 in C.R.No. 739/2022 registered in Shahupuri Police Station under Section 420, 406, 409 read with 34 of the Indian Penal Code, 1860 r/w. Section 3, 4 and 6 of the Maharashtra Protection of Interest of Depositors Act,1999 with Section 21 of the Banning of Unregulated Deposit Schemes Act, 2019. He has filed this application for bail under section 439 of the Criminal Procedure Code. It is his first bail application and he contends that no other bail application is pending in any other Court.

2. The indictment of the applicant is that the accused No.4 to 8 (original accused No.1 to 5- Koli family) formed a company by name 'Grobuzz Trading Services' and floated various schemes for investments and invited general public to make investment in that company assuring them that the company will give 15% returns in 10 months. As the schemes were attractive, several persons invested the amount in the company but the company could not give the agreed returns. The complainant Raghunath Khodke lodged the complaint and based on it, the crime was registered against the accused. It was disclosed during the investigation that there are other three sister concerns of the 'Grobuzz Trading Services' namely, 'G.B. Welfare Partnership Firm', 'Grobuzz India Urban Nidhi Ltd'. and 'Grobuzz Multi Trade LLP Ltd'. The present applicant was alleged to be acting as partner of the 'G.B. Welfare Partnership Firm'. During investigation, it is disclosed that this

accused has cheated the investors and put them in loss of total Rs.9 Crores.

3. According to the applicant, he is not the Director of the Grobuzz Trading Services nor a recipient or beneficiary of any of the amount invested by the complainant or any other investors. He is the brother-in-law of prime accused Vishwas Koli. He is the member/shareholder of Grobuzz Trading Services. His name was not mentioned in the FIR and there is no role attributed to him in the business of that company. He has not received any returns or benefits from the amounts invested in that company nor any investor has named him that he introduced any such schemes or induced anybody to invest the amount therein. Thus, the applicant has no role to play in the business of said company and he has been arrayed as an accused after thought merely because he is the relative of the prime accused.

4. It is further contended that the applicant is suffering from heart decease and the doctor has advised him to conduct the Angiography and stress test. The applicant, if required, will have to undergo the medical treatment specially for angioplasty. The investigation is completed and charge-sheet is filed. There is no recovery or discovery at the hands of the applicant. The applicant is ready to co-operate the investigating agency and will abide by all the conditions that would be imposed by this Court. Hence, he prays that he be released on bail.

5. The say of prosecution was called and the prosecution has resisted this application by filing say (Exh.149). Heard Shri. A.M.Dange the learned advocate for the applicant and Smt.M.B.Patil, the learned APP. Perused the medical papers and grounds for bail. The Investigating Officer had applied for judicial custody of this applicant on the date of

his arrest on the ground that he was complaining chest pain and was thus admitted to CPR Hospital, Kolhapur. The documents further show that he was referred to J.J. Hospital, Mumbai for specialized investigation as the C.P.R. Hospital had issued Referral to Higher Center Certificate mentioning that the facility for such investigation is not available in that hospital. The reports filed on record disclose that the applicant has blockages and requires immediate surgery. The C.P.R. Hospital, Kolhapur has issued Estimate Expenses Certificate mentioning that the cost of operation would of Rs.65,000/- and the operation is required as early as possible.

6. The present applicant was not named in the FIR but his name was disclosed during investigation. He is also a Government servant serving in Zilla Parishad Kolhapur. There is no material on record pointing his direct involvement in day to day business of the company of which he was the member. It has come on record that he is suffering from heart ailment and requires immediate operation. Considering these circumstances, I am of the view that this applicant should be released on bail on medical ground by imposing necessary conditions to ensure proper investigation of the crime against him.

7. The learned APP has opposed this application on the ground that this applicant was the Accountant on Establishment of Zilla Parishad Kolhapur and still he indulged in activities of the company of his relatives becoming its shareholder. However, it is not mentioned as to why his custody is necessary for investigation of the crime against him. Therefore, the grounds raised by the prosecution are not sufficient to decline bail to the applicant, especially on medical ground. Hence, the order.

ORDER

1. Bail Application is allowed.
2. The applicant Shivaji Bapu Koli, who is an accused No.17 in C.R.No. 739/2022 registered in Shahupuri Police Station under Section 420, 406, 409 read with 34 of the Indian Penal Code, 1860 r/w. Section 3, 4 and 6 of the Maharashtra Protection of Interest of Depositors Act, 1999 with Section 21 of the Banning of Unregulated Deposit Schemes Act be released on bail on his furnishing P.R. bond of Rs.30,000/-with surety of the like amount on following conditions:
 - i) The applicant shall within 48 hours of the release from custody, furnish his current address and phone numbers to the Investigating Officer and the information shall be updated, if there is any change.
 - ii) The applicant shall scrupulously attend each date of hearing.
 - iii) The applicant shall report at Shahupuri Police Station as and when directed in writing.
 - iv) The applicant shall not tamper with the evidence or make any attempt to influence the witnesses, directly or indirectly.
 - v) The applicant shall not sale or transfer by any manner his movable or immovable property without permission of this Court.
 - vi) The applicant shall not leave the country without the permission of the this Court.

(S.R. Salunkhe)

Special Judge (MPID),
Kolhapur.

Date: 27/04/2023