

MHRG170130962019



**IN THE COURT OF DISTRICT JUDGE-1 & ADDITIONAL
SESSIONS JUDGE, PANVEL, DIST.RAIGAD
ORDER PASSED BELOW EXHIBIT 29 IN
SPL (MPID) CASE NO.508/2019]**
(Dated 02/02/2023)

1. The applicant/accused **No.1 Pandurang Maruti Pawshe, No.2-Manoj Ramesh Bhoir, applicant/accused No.3-Satyavan @ Sattu Krishna Keni and No.4 Vaibhav Ramakant Girdhar** have preferred the present application for grant of bail in C.R.No.303/2019 registered with Kharghar Police Station, u/s.406, 420, 409, 120 (B) of IPC and u/sec.3 and 4 of MPID Act.

2. The informant Dnyaneshwar Bhandari lodged report with allegations that the accused persons with other co-accused persons formed a group of company being as Bijankur and floated various schemes of investments with assurance of returns of high refunds in the form of interest. It has been also alleged in the complaint that, the promoters of said schemes also gave allurements to the investors to bring more investors and form a chain of investors by giving some additional increments for such investments. It has been alleged in the complaint that, initially in order to get the confidence of investors, the promoters of the schemes gave monthly returns however, later on avoided to

make the same and thereafter refused to pay and thereby cheated the investors.

3. The present applicants/accused have no concern with the scheme floated by the Directors of the company and they were only managers of the respective area and they were operating the scheme as per the directions of the company. Ld.Adv. submitted that the applicants were in police custody for a considerable period, however, nothing has been seized from them so as to prima facie connect them with the present crime. Ld.Adv.submitted that, the applicants are behind bar for than more than three years. Ld.Adv.submitted that the investigation agency has secured property worth around Rs.10 Corer and same is seized, which is more than the investors amount of Rs.8,19,00,000/-. It is submitted that market value of the property seized is around Rs.15 Croers.

4. Ld.APP resisted the application and submitted that, earlier bail applications were rejected which were filed after filing of charge-sheet. He also submitted that bail application was rejected by the Hon'ble High Court. He submitted that, the victims of the crime are present and they have filed their affidavit. It is submitted that, property of worth Rs.4 Corer is kept on hold. The amount of investors is Rs.8 Corers and more. It is also pointed out that similar crime is registered with Roha police station Raigad and in that crime the property was Rs.4

Corer is kept on hold.

5. Upon hearing the Ld.Advocates and on prima facie perusal of charge-sheet, it is a fact that, the accused persons had given a very lucrative picture of investments and refunds with high percent of interest on the investments. Also, none of the scheme or even the company/firm of the accused person was been registered either under the Company Law or under the Co-Operative Societies Act. These were the observations made by my predecessor in the earlier bail application.

6. Admitted fact is that after filing of charge-sheet, bail application was rejected by Hon'ble High Court.

7. Ld.Adv.for the accused vehemently submitted that investigation agency has seized property which is worth upto Rs.15 Croers. His statement is not supported by prima facie documentary evidence. The investigation officer is present and he submits that property worth Rs.4 Croer is kept on hold and no property worth Rs.8 Croer is actually seized and further steps are taken to return the amount of depositors.

8. It be noted that when this Court had rejected the bail application on merit, again on the same grounds the successive bail application is not maintainable. LdAPP in this case placed reliance on the case of Kalyan Chandra Sarkar Vs. Rajesh Ranjan

@ Pappu Yadav, AIR 2005 SC 921.

9. Thus, I find that the ground raised of property worth Rs.8 Corer is seized, is not a true and correct ground to seek bail. Hence, following order.

ORDER

Application Exh.29 is hereby rejected.

Panvel

(Jairaj D.Wadne)

Dated :-02/02/2023

Addl. Sessions Judge, Panvel-Raigad

I affirm that the contents of this P.D.F. file order are same, word to word, as per the original order.

Name of the stenographer : S.J.Sheth

Name of the court : Additional Sessions Judge,
Panvel-Raigad

Date of dictation : 03/02/2023

Order signed by the P.O.on : 03/02/2023

order uploaded on : 21/02/2023