

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

**Criminal Application (BA) No. 747 of 2022**

Videsh Prabhakar Ramteke

**Versus**

The State of Maharashtra, through Police Station Officer, Ramnagar, Dist.  
Chandrapur

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Office Notes, Office Memoranda of  
Coram, appearances, Court's Orders  
or directions and Registrar's order

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Court's or Judge's Order

Shri A.D.Hazare, Advocate for the applicant.

Ms Mrunal Barbde, APP for the State / Non-applicant

**CORAM : ANIL S. KILOR, J.**

**DATED : 18<sup>th</sup> JULY, 2022.**

The applicant is seeking bail under Section 439 of the Code of Criminal Procedure in Crime No. 498 of 2022 registered with Police Station Ramnagar, Dist. Chandrapur for the offence punishable under Sections 406, 409, 420 read with Section 34 of the Indian Penal Code and Sections 3 and 4 of Maharashtra Protection of Interest of Depositors (In Financial Establishments) Act, 1999.

2. Learned counsel for the applicant submits that the applicant has been falsely implicated in the alleged offence only because he is commission agent

and he used to do the work of the company at Chandrapur. It is pointed out that the company in which the investors have deposited their amount against some scheme, the said company is at Navi Mumbai and being its agent, the applicant used to collect the amount and would deposit it in the account of the Company. He submits that there is nothing to show that the applicant was directly connected with the company or its Management or in formulation of any scheme of the Company. He further submits that applicant is in jail since last two months and his further custody is not required. Accordingly, he prays for grant of bail.

3. On the other hand, learned Additional Public Prosecutor strongly opposed the application and submits that the applicant used to receive the amount from the investors and therefore he is directly connected with the alleged offence. Accordingly, she prays for rejection of the present application on the ground that investigation is going on.

4. I have perused the case diary, First Information Report and the reply filed by the State.

5. There are no allegations or even there is no material in the case diary to show that the applicant is Director or Managing Director of the company or he is any way connected with the company in formulation of

scheme or day-to-day management or decisions making. *Prima facie*, it appears that he was working as a Commission Agent and against the work done by him, he would receive the commission.

6. Moreover, nothing has been pointed out that applicant has received any amount out of the total defalcated amount. Thus, *prima facie* considering the role of the applicant and his position in the said company, I am of the opinion that he is entitled for grant of bail. Accordingly, I pass the following order.

- i. Criminal application is allowed;
- ii. It is directed that the applicant shall be released on bail in Crime No. 498 of 2022 registered with Police Station Ramnagar, Dist. Chandrapur for the offence punishable under Sections 406, 409, 420 read with Section 34 of the Indian Penal Code and Sections 3 and 4 of Maharashtra Protection of Interest of Depositors (In Financial Establishments) Act, 1999, on furnishing P.R.Bond of Rs.25,000/- with a solvent surety in the like amount.
- iii. The applicant shall attend the Economic Offence Wing, Chandrapur on 1<sup>st</sup> and 16<sup>th</sup> day of every

month between 10 am to 11 am till the conclusion of the trial.

iv. The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also not tamper with the evidence;

v. State is at liberty to apply for cancellation of bail in case the applicant commits similar offence.

**[ANIL S. KILOR, J.]**

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