IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (BA) NO.797 OF 2024
(Deepak Gyaniram Amkar Vs. State of Maharashtra)

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

---

Mr. R.M. Daga, Advocate for the applicant.
Mr. S.A. Ashirgade, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- SEPTEMBER 30, 2024.

The applicant came to be arrested on 12/08/2023 in connection with Crime No.249/2023 registered with Police Station Bajaj Nagar, Nagpur for the offence punishable under Sections 406, 409, 420, 467, 468 and 471 of the Indian penal Code.

2. The crime is registered on the basis of report lodged by Pawan Pradip Dharashivkar alleging that the present applicant by obtaining contract from government school and college used to supply digital contents. In February, 2023 the informant through his friend Pravin Khothe came into contact with present applicant who own a company by name Supply Wolf Engineering Private Limited, Nagpur and it is affiliated with the Indian institute of management studies which is a Government Institution. It is further alleged that the applicant had 2-3 government contracts out of which one contract is of IBM and to conclude the said contract he was requiring financial assistance. Out of the said contract, he has to do

with the help of (Software Geographical Information Location Mapping) geographic mapping and it has to be installed at 18 different placed in India. The present applicant also informed that he has received work order for the same and shown its copy which is of Rs.1,10,00,000/- and to implement the same, he needs the expenditure of Rs. 46,00,000 and remaining will be profit and the present applicant has only 23 lakh banks guarantee and he required Rs.20-22 lakhs and asked the informant to pay same amount. It is alleged that accordingly the amount was obtained from the informant and it was not returned back. The informant has not received any returns also. On the basis of the said report, police have registered the crime against the present applicant.

3. Heard learned Counsel for the applicant who submitted that with similar allegation another crime was registered against the present applicant vide Crime No.266/2023 wherein the amount of Rs.19,00,000/- was involved. Here the amount is Rs.20,00,000/- is involved. Now, the investigation is completed and charge-sheet is filed. As far as further incarceration is concerned, which is not required. In support of his contention he placed reliance on the decision of ***Sanjay Chandra Vs. Central Bureau of Investigation [(2012) 1 SCC 40]*** and ***P. Chidambaram v. Directorate of Enforcement, [(2020) 13 SCC 791].***

4. Learned APP strongly opposed the said application and submitted that the repeated offences are registered against the present applicant. During investigation, the Investigating Officer has collected various documentary evidence including work orders and the bank statements of the applicant and the informant. The statements of various witnesses recorded during the investigation substantiates the contention which is raised by the informant in the FIR. Thus, considering the involvement of the present applicant in economic offence, the application deserves to be rejected.

5. I have heard learned Counsel for the both the parties. Perused the entire investigation papers from which it reveals that the applicant has represented himself and also shown the purchase order received from the IIIT Institute Dongargaon and represented the complainant that if a complainant fulfills the said order he would get a good benefits and obtained Rs. 19,00,000/- from him time to time. Thus, *prima facie* statement of the informant as well as the other witnesses substantiates the contention and shows the involvement of the present applicant in the alleged offence.

6. There is no dispute as to the fact that there is a *prima facie* material against the present applicant in the alleged offence. It is also not disputed that the similar type of the crime was registered against the present applicant

at Sonegaon police station as well as Bajaj Nagar, Nagpur police station for the offence punishable under Sections 409, 420, 468, 471 of IPC and under Section 66(d) of the Information Technology Act, 2000. When he was arrested in the said crime, the production warrant of the present applicant was obtained and he is arrested in the present crime. Thus, the *prima facie* involvement of the present applicant is revealed from the investigation papers but now investigation is already completed and charge-sheet is filed.

7. The Hon'ble Apex Court in the case of ***Satender Kumar Antil Vs. Central Bureau of Investigation, [(2022) 10 SCC 51]*** wherein by referring the judgment of *P Chidambaram Vs. Directorate of Enforcement* *(supra) and Sanjay Chandra v. CBI* *(supra)* observed that the question for consideration is whether it should be treated as a class of its own or otherwise. The issue has already been dealt with by this Court in the case of *P Chidambaram v. Directorate of Enforcement* (supra) and further held that an economic offence cannot be classified as such, as it may involve various activities and may differ from one case to another. Therefore, it is not advisable on the part of the court to categorize all the offences into one group and deny bail on that basis. By referring both the judgments it is further observed that we are conscious of the fact that the accused are charged with economic offences of huge magnitude. We are also conscious of the

fact that the offences alleged, if proved, may jeopardize the economy of the country. At the same time, we cannot lose sight of the fact that the investigating agency has already completed investigation and the charge-sheet is already filed before the Special Judge, CBI, New Delhi. Therefore, their presence in the custody may not be necessary for further investigation.

8. Similar are the circumstances in the present case. Though the huge money is involved which is obtained by the present applicant from the informant and the repeated offences are registered against the present applicant; however, considering now the investigation is already completed and charge-sheet is filed, therefore, further incarceration of the applicant is not required. In view of that, the application deserves to be allowed by imposing certain conditions. Accordingly, I proceed to pass the following order:

(i) The application is allowed.

(ii) The applicant – Deepak Gyaniram Amkar in connection with Crime No.249/2023 registered with Police Station Bajaj Nagar, Nagpur for the offence punishable under Sections 406, 409, 420, 467, 468 and 471 of the Indian penal Code, be released on bail on executing a P.R.Bond in the sum of Rs.50,000/- with one solvent surety, in the like amount.

(iii) The applicant shall not leave the jurisdiction of Gondia district without prior permission of the Nagpur District Court.

(iv) The applicant shall attend the concerned police station twice in a month i.e. 1st and 15th day of every month and shall cooperate with the investigating agency. The Investigation Officer shall record his presence.

(v) The applicant shall not directly or indirectly make any inducement and threat or promise to any person acquainted with the facts of the present case as well as the victim.

9. The contravention of any of the condition imposed by this Court would lead to cancellation of bail.

10. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)

**Divya*