



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

CRIMINAL APPLICATION (ABA) NO.624 OF 2024

Ramprasad s/o Arjunrao Nitnawre
Vs.

State of Maharashtra, Through Police Station Officer, Risod, District
Washim and another

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. P. M. Pande, Counsel for the applicant.
Mr. N. B. Jawade, APP for non-applicant No.1/State.
Mr. S. V. Sirpurkar, Counsel for non-applicant No.2.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 19/12/2024

1. Apprehending the arrest at the hands of police, in connection with Crime No.172/2024, registered with Police Station Risod, District Washim for the offences punishable under Sections 406, 409, 420, 465, 468 and 471 read with Section 34 of the Indian Penal Code, the applicant approached this Court for grant of pre-arrest bail.

2. The accusation against the present applicant is on the basis of report lodged by Vitthal Bhimrao Deshmukh which was registered in view of the order passed by the Judicial Magistrate First Class, Risod and directing to register an offence against the present applicant. As per the allegation, the complainant is the Director of Rushiwat Farmers Producer Company Ltd. registered under the

Companies Act and there are 9 Directors of the company. It is alleged that the present applicant was appointed as a Chief Executive Officer of the said company on 10/08/2016 and since then he was discharging the duty as a Chief Executive Officer and conducting and managing the affairs of the said company. In February 2023, some farmers made a complaint to the Directors of the company against the present applicant that he has purchased the agricultural produce i.e. Soyabean, Turmeric, etc. from several cultivators using the name of the Company and did not pay the amount to them. It was further alleged that he has prepared fake and bogus resolutions in the name of the said company and also represented it as a genuine one and entered into the sale-purchase transaction of the agricultural produce and misappropriated the amounts. On the basis of said report, police have registered the crime against the present applicant.

3. Heard learned Counsel Mr. Pande for the applicant who submitted that as far as the allegations that the present applicant was appointed as a Chief Executive Officer of the said company on 10.08.2016 itself are false and baseless one. He invited my attention towards the document which was obtained by him from the website of the Ministry of Corporate Affairs and pointed out that as per the details given on the website, the present applicant was appointed on 05.03.2020 as a CEO. He further submitted that

from the website of the Ministry of Corporate Affairs further shows that Chaitanya Deshmukh became the Director in the year 2019. Thus, he submitted that if he became the Director on 28.02.2019 then the appointment letter issued by him under his signature appears to be a false document. He submitted that in fact the experience certificate issued by Krishi Vigyan Kendra, Karda shows that the applicant was serving with the said Krishi Vigyan Kendra, as deputed by the NABARD to implement the project. The experience certificate shows that he bears a good moral character. Thus, the said Krishi Vigyan Kendra, Karda has issued various experience certificates to the present applicant till 2023. Recently, the applicant was terminated from the said project by the said Krishi Vigyan Kendra, Karda on 15.05.2023. Thus, he submitted that these documents sufficiently shows that the applicant was never worked with the said Rushiwat Farmers Producer Company Ltd., and therefore, the entire allegations levelled against the present applicant are baseless. As far as his custodial interrogation is concerned which is not required as the applicant is already cooperating with the investigating agency, in view of that, the application deserves to be allowed by protecting the applicant by way of granting anticipatory bail.

4. Learned APP strongly opposed the application and submitted that during the

investigation, it reveals that one Chaitanya Deshmukh is the Director of Rushiwat Farmers Producer Company Ltd., Karda and there are 9 Directors of the Company. The applicant was appointed as Chief Executive Officer of the said company on 10.08.2016 and he continued till 2023. He was managing the affairs of the company. In February 2023, some farmers came to the complainant and alleged that the applicant has purchased agricultural produce namely Soyabean, Turmeric, etc. and not paid the amount and thus misappropriated the amount towards the said agricultural produce. It is further submitted by him as far as the investigation part is concerned, from which it reveals that the cheques given to the farmers are also signed by the present applicant as C.E.O. of the company. The loan case of the Agriwise Finserv Limited shows that the present applicant has signed the said documents on 12.01.2023 as a co-borrower. He submitted that even accepting the contention that the applicant was appointed as a CEO subsequent i.e. from 05.03.2020 then also if the allegation subsequent to the date of appointment is considered, there is sufficient material to show that the applicant is involved in a misappropriation of the fullfledged worth of Rs.7 Crore. The bills which are issued also bears the signature of the present applicant. The statement of the various witnesses shows that they transacted with the present applicant and present applicant in the name of the company

have purchased the agricultural produce from them and not paid the money to them. Thus, considering that *prima facie* material is against the present applicant, his custodial interrogation is required for the investigation purpose and the manner in which the alleged offence is committed, in view of that, the application deserves to be rejected.

5. After hearing both sides and on perusal of the investigation papers, it reveals that the entire case revolves around the aspect of appointment of the present applicant as a CEO in the said Rushiwat Farmers Producer Company Ltd. There are in all 5 to 6 sister-concern and Krishi Vigyan Kendra is one of the sister-concern of Sunita Vinayakrao Deshmukh Suvidey Foundation. The statement of the various agriculturists shows that they met the present applicant time to time and the present applicant in the name of company purchased their agricultural produces and they have not received the amounts. The statement of one Chaitanya Anantrao Deshmukh also recorded which shows that the applicant was appointed on 10.08.2016 itself as a CEO. The various bills collected during the investigation also shows that it was signed by the present applicant and various purchase orders are also placed on record which are collected during the investigation. The Tax Invoice also bears the signature of the present applicant which sufficiently shows that the applicant was involved in purchasing the said agricultural

produce from the various parts. Considering the statements of the various farmers, it reveals that it was the present applicant, who has transacted with the poor farmers and the farmers have sold their agricultural produce to the present applicant being he was the CEO of the said company. But, they have not received any payment towards their produces and the magnitude of the said transaction comes to the Rs.7 Crore. Thus, considering the huge magnitude wherein the applicant is involved, at this stage, the investigation as to in what manner and by operating the *modus operandi*, the offences are committed is to be ascertained and therefore, the custodial interrogation of the present applicant is required. The involvement of the present applicant is in an economic offence and considering the gravity of the offence, at this stage, no case is made out for grant of anticipatory bail. In view of that, the application deserves to be rejected. Accordingly, the application is rejected.

(URMILA JOSHI-PHALKE, J.)