IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 2043 OF 2025

KIRAN NAMDEO SHEJWAL

VERSUS

THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mrs. Sonawane Sunita G.

Addl.PP for Respondent/State : Mr. S.G. Sangle

Advocate for Complainant : Ms. Vasundhara V. Patil

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CORAM : MEHROZ K. PATHAN, J.

DATE : 11th NOVEMBER 2025

PER COURT :

1. The Applicant has approached this Court, praying for regular bail in connection with Crime No.786/2025 registered with the Shirdi Police Station, Tq. Rahata District Ahilyanagar for the offences punishable under Section 318(4) of the Bharatiya Nyaya Sanhita, 2023.

2. The First Information Report was filed by the complainant, stating that the Applicant induced the complainant and others by representing that he would establish a cooperative society or multipurpose institute and would obtain funds under various Government schemes, of which 10% was promised to the complainant and other similarly situated investors. Thus six of such persons including the complainant have given various amounts to the Applicant. The complainant himself has given Rs.23 Lakh

approximately to the Applicant by way of cheques and cash from time to time. The Applicant has time and again promised to return back the amount as the scheme was not working anymore. However, the Applicant failed to honour his promise. In the year 2024, the Applicant also issued a cheque in favour of the complainant, which was dishonoured. The complainant has thus lodged the FIR seeking appropriate action against the Applicant for cheating and breach of trust.

3. The Counsel for the Applicant submits that the FIR is belatedly filed. The allegation about handing over the amounts is of the year 2020. There were several transactions between the Applicant and the complainant. However the FIR was never filed. It is also submitted by the learned Counsel for the Applicant that the Applicant has handed over a cheque in the year 2024. The complaint has alleged that the same was dishonored. However even thereafter after a period of one year that the FIR is filed only with an intention to recover the money. The transaction is civil in nature and therefore the FIR itself under the penal sections should not have been entertained. She further submits that as the Applicant is arrested on 31.07.2025 and the investigation is completed and the charge-sheet is filed, the further detention of the Applicant may not be necessary.

4. As against this, the learned APP submits that the Applicant has induced the complainant and other investors to invest into a fake society and institute which was never opened. The Applicant has

obtained huge amount not only from the complainant, but other five similarly situated investors. He further submits that the 10% amount promised to be returned by the Applicant was never paid to the complainant. The cheque issued by the Applicant was dishonoured, thereby demonstrating the Applicant's dishonest intention. The Investigating Officer has gathered sufficient evidence to establish the guilt of the Applicant in the said crime. He therefore prays for rejection of the bail application.

5. The learned Counsel appearing on behalf of the complainant reiterates the fact of the compromise entered into vide agreement dated 23.09.2025.

6. I have gone through the application as well as the charge-sheet filed by the learned APP. The learned APP has made available the statement recorded during the course of investigation of the son of the complainant and other witnesses. The agreement dated 23.09.2025 is also a part of the charge-sheet. The perusal of the said agreement dated 23.09.2025 would show that there is a settlement arrived at between the complainant, the other five investors and the Applicant, wherein the Applicant has assured to return back the alleged amount. The said fact therefore may not be a relevant consideration at the time of grant of bail. However, looking to the period of detention of the present Applicant who is arrested from 31.07.2025 and also the fact that the transaction of 2020 year, was belatedly reported only in the year 2025 and the investigation being

completed and charge-sheet being filed, in my opinion the further detention of the Applicant may not be necessary. Hence the following order :

ORDER

(**a**) The Bail Application is allowed.

(**b**) The Applicant – Kiran Namdeo Shejwal, be released on bail on furnishing P.B. of Rs.50,000/- (Rupees Fifty Thousands) with solvent surety of the like amount, in connection with Crime No.786/2025 registered with the Shirdi Police Station, Tq. Rahata District Ahilyanagar for the offences punishable under Section 318(4) of the Bharatiya Nyaya Sanhita, 2023, on the following conditions:

(**i**) The Applicant shall not leave the jurisdiction of District Ahilyanagar without leave of the learned trial Court.

(**ii**) The Applicant shall attend each and every date of the trial Court without fail unless exempted by the trial Court on emergent consideration.

(**iii**) The Applicant shall not pressurize the prosecution witnesses and shall not tamper with the prosecution evidence, in any manner.

(**iv**) The Applicant shall submit his Aadhar and PAN Card to the Investigating Officer and detailed addresses and phone numbers of himself and two of the near relatives.

(**c**) The Application stands disposed of accordingly.

MEHROZ K. PATHAN
JUDGE

NAJEEB..