



**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

932 BAIL APPLICATION NO. 2139 OF 2024

**SANTOSH ARJUN BUDHWANT
VERSUS
THE STATE OF MAHARASHTRA**

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Mr. Sandip Andhale h/for Mr. P. R. Nangare, Advocate for
Applicant

Mr. P P Dawalkar, APP for Respondent/State

Mr. R. C. Bramhankar, Advocate for the informants

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CORAM : SANJAY A. DESHMUKH, J.

DATE : 09.09.2025

PER COURT :-

1. Heard.

2. This is an application for granting regular bail under Section 483 of the Bhartiya Nagarik Suraksha Sanhita, 2023, in connection with Crime No.0644 of 2023, registered at Rahata Police Station, District Ahmednagar, for the offences punishable under Sections 420, 406 and 409 of the Indian Penal Code and Section 3 of the Maharashtra Protection of Interests of Depositors Act.

3. The informant averred in the report that the applicant is the Chairman of Swamini Multipurpose Urban Nidhi Ltd. and that

a total amount of Rs. 1,03,29,480/- deposited by various depositors has been misappropriated by the applicant by cheating the depositors. It is further averred that the informant started investing money in the said fund in his name and in the name of his wife, for the purpose of securing his child's education and the future of his family. The said fund was offering an annual interest rate of 12% and 12.5% interest was offered to senior citizens. The deposited amounts were placed in fixed deposits for a specified tenure. Initially, the depositors were receiving their invested amounts along with interest, which encouraged them to invest more money in the said fund. The informant and his wife deposited a total amount of Rs.24,95,750/- in the said fund up to 10.09.2022 in the informant's name and up to 29.06.2022 in his wife's name. From the year 2022, after the maturity of the deposits, the informant requested the applicant to return the amount along with interest. However, the applicant refused to repay the amount. Despite several requests, the applicant returned only Rs.4,50,000/- to the informant.

4. The informant further averred that on 27.12.2020, although he had not applied for the post of Additional Director, he was appointed to the said post. He subsequently submitted his

resignation from the said position. When the informant again demanded the remaining amount of Rs.23,94,192/-, the applicant allegedly told him that he would not repay the amount and told him to take whatever action he wanted. The informant also listed several other individuals whose invested amounts are due from the applicant and stated that a total amount of Rs.1,03,29,480/- is outstanding with Swamini Multipurpose Urban Nidhi Ltd. He lastly averred that the applicant has refused to return the investors' money and has committed fraud under the guise of operating a Nidhi. Accordingly, the report was lodged.

5. The learned advocate for the applicant submitted that the applicant has been falsely implicated in the present crime. The investigation is over and the charge sheet has been filed. He pointed out the discrepancies in the statements of the witnesses. He further submitted that if bail is granted to the applicant, he will abide by all the conditions that may be imposed by this Court. The applicant has roots in the society and he will not flee away from the trial. It is lastly prayed to allow the application.

6. The learned advocate for the applicant relied upon the

order passed by this Court in the case of ***Sunil S/o Ambadas Mankape Patil Vs. The State of Maharashtra***, in Bail Application No.403 of 2025, in which this Court in paragraph No.5 held as under:

“5. After registration of above crime, some of the accused namely Vide President Swapnarekha Chavan, Sunanda Shinde, Pandit Kawte, Vaishali Daulanpure and Uday Kulkarni are beneficiaries of either anticipatory bail or regular bail at the hands of this Court by various orders. One Namdeo Kachkure, who was a Joint Manager is also shown to be beneficiary of bail at the hands of Apex Court by order dated 07.01.2025. Applicant is also a Manager. He is behind bars since more than a year. Therefore, making the statement across the bar that charge is not framed and there there are no immediate prospects of matter going for trail and no purpose is shown to be achieved yet by further detention, application deserves to be allowed.”

7. He further relied on the case of ***Siddharam Satlingappa Mhetre Vs. The State of Maharashtra, reported in 2011 (1) Bom. C.R. (Cri.) 294***, in which this Court, in paragraph Nos.41, 42, 43 and 91, held as under:

“41. All human beings are born with some unalienable rights like life, liberty and pursuit of happiness. The importance of these natural rights can be found in the fact that these are fundamental for their proper existence and not other right can be enjoyed without the presence of right to life and liberty.

42. Life bereft of liberty would be without honour and dignity and it would lose all significance and meaning and the life itself would not be worth living. That is why “liberty” is called the very quintessence of a

civilized existence.

43. *Origin of “Liberty” can be traced in the ancient Greek civilization. The Greeks distinguished between the liberty of the group and the liberty of the individual. In 431 B.C., an Athenian statesman described that the concept of liberty was the outcome of two notions, firstly, protection of group from attack and secondly, the ambition of the group to realize itself as fully as possible through the self-realization of the individual by way of human reason. Greeks assigned the duty of protecting their liberties to the State. According to Aristotle, as the State was means to fulfil certain fundamental needs of human nature and was a means for development of individuals’ personality in association of fellow citizen so it was natural and necessary to man. Plato found his “republic” as the best source for the achievement of the self-realization of the people.*

91. *In every civilized democratic country, liberty is considered to be the most precious human right of every person. The Law Commission of India in its 177th report under the heading ‘Introduction to the doctrine of “Arrest” has described as follows:*

“Liberty is the most precious of all the human rights”.

It has been the founding faith of the human race for more than 200 years. Both the American Declaration of Independence, 1776 and the French Declaration of the Rights of Man and the Citizens, 1789, spoke of liberty being one of the natural and inalienable rights of man. The universal declaration of human rights adopted by the general assembly on United Nations on December 10, 1948 contains several articles designed to protect and promote the liberty of individual. So does the international covenant on civil and political rights, 1996. Above all, Article 21 of the Constitution of India proclaims that no one shall be deprived of his right to personal liberty except in accordance with the procedure prescribed by law. Even Article 20(1) and (2) and Article 22

are born out of a concern for human liberty. As it is often said, “one realizes the value of liberty only when he is deprived of it”. Liberty, along with equality is the most fundamental of human rights and the fundamental freedoms guaranteed by the Constitution. Of equal importance is the maintenance of peace, law and order in the society. Unless, there is peace, no real progress is possible. Societal peace lends stability and security to the polity. It provides the necessary conditions for growth, whether it is in the economic sphere or in the scientific and technological spheres.”

8. The learned APP for the State strongly opposed the application and submitted that the applicant is involved in a serious crime of cheating involving an amount of Rs.1,03,29,480/-. Initially, he repaid the amount deposited by the informant and others, thereby gained their trust. However, after creating confidence amongst the depositors, he subsequently refused to return the remaining amount. The learned APP further submitted that considering the serious nature of the offence and the strong evidence against the applicant, if he is released on bail, he will certainly pressurize the prosecution witnesses and tamper with the evidence. He lastly prayed to reject the application.

9. The learned APP relied upon the case of ***Tarun Kumar Vs. Assistant Director, Directorate of Enforcement, reported in AIR 2024***

SC 169, in which the Hon'ble Supreme Court observed in paragraph No.22 as under:

“22. Lastly, it may be noted that as held in catena of decisions, the economic offences constitute a class apart and need to be visited with a different approach in the matter of bail. The economic offences having deep-rooted conspiracies and involving huge loss of public funds need to be viewed seriously and considered as grave offences affecting the economy of the country as a whole and thereby posing serious threat to the financial health of the country. Undoubtedly, economic offences have serious repercussions on the development of the country as a whole. To cite a few judgments in this regard are Y.S. Jagan Mohan Reddy v. Central Bureau of Investigation, Nimmagadda Prasad v. Central Bureau of Investigation, Gautam Kundu v. Directorate of Enforcement (supra), State of Bihar and Another v. Amit Kumar alias Bachcha Rai. This court taking a serious note with regard to the economic offences had observed as back as in 1987 in case of State of Gujarat v. Mohanlal Jitamalji Porwal and Another as under:-

"5... The entire community is aggrieved if the economic offenders who ruin the economy of the State are not brought to books. A murder may be committed in the heat of moment upon passions being aroused. An economic offence is committed with cool calculation and deliberate design with an eye on personal profit

regardless of the consequence to the community. A disregard for the interest of the community can be manifested only at the cost of forfeiting the trust and faith of the community in the system to administer justice in an even-handed manner without fear of criticism from the quarters which view white collar crimes with a permissive eye unmindful of the damage done to the National Economy and National Interest..."

10. Perused the charge-sheet, particularly the report, statements of witnesses and the audit report. It is evident that the witnesses have specifically stated that they invested money in the applicant's fund and the applicant has refused to return that amount. The charge sheet has already been filed. The applicant is involved in a serious crime of cheating involving an amount of Rs.1,03,29,480/-. No doubt, personal liberty is a precious fundamental right, however, that liberty is always subject to the rule of law and the specific facts of the case, which are decisive. In the present case, the applicant is alleged to have committed a serious economic offence. Such offences significantly impact the economy of the society and ultimately the nation's development. Economic offences are generally committed with meticulous planning and deliberate intent and they carry serious

consequences for the community at large. It is well-settled principle that the outcome of such applications depends on the facts and circumstances of each individual case. Therefore, the case laws relied upon by the learned advocate for the applicant, namely *Sunil (Supra)* and *Siddharam (supra)* are not applicable to the present case. The application deserves to be rejected. Accordingly, the following order:

::ORDER::

- I. The application is rejected.
- II. The learned Trial Court is directed to expedite the hearing of the case and decide it as early as possible. However, it is clarified that if there is any other case pending before the Trial Court which has been expedited by this Court or the Supreme Court, such case shall be decided first and thereafter, the present case shall be taken up for hearing and decision.

[SANJAY A. DESHMUKH, J.]