IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 4784 OF 2024

Amol Jaywant Bhosale ...**Applicant**
Versus
State of Maharashtra ...**Respondent**

Mr. Keshav Chavan a/w Ms. Anita Marbhal, *for the Applicant.*
Ms. Anamika Malhotra, *APP for the Respondent.*
API-Roshan Raorane, *Unit-7, EOW, Mumbai, present.*

CORAM DR. NEELA GOKHALE, J.
DATED: 15TH DECEMBER 2025

PC:-

1. By this Application, the Applicant seeks his enlargement on bail in connection with FIR No. 482 of 2023 dated 09th October 2023 registered with the Shivaji Park Police Station, Dadar for the offences punishable under Sections 409 and 420 of the Indian Penal Code, 1860 (for short 'IPC') and Section 3 and 4 of the Maharashtra Protection of Interest of Depositors (in Financial Establishments) Act, 1999 (for short 'MPID Act').

2. The case of the prosecution, in brief, is that the Complainant was engaged in share market investments through M/s. Sharekhan Limited during the period from 2006 to 2008. He came across the franchise of Sharekhan Limited operated by the Applicant. It was represented to the Complainant that 50% of the investments fund would be invested in stock market through Sharekhan Limited and the remaining 50% would be placed in a fixed deposit scheme under the propriety concern of M/s. A.B. Rajmudra Enterprises. He promised returns to the Complainant at the rate of 36% *per annum* on stock investments and 15% *per annum* on fixed deposits. The Complainant has transferred a total amount of approximately Rs. 5,00,000/- from time to time.

3. There are 20 to 25 such investors who have invested under the similar scheme of Applicant and collectively, the Applicant has accepted Rs. Rs. 6,10,00,000/- from investors. For some months, the Complainant was given interest on his investment, however, after few installments, the returns stopped. The First Informant realized that he was duped and he filed a Complaint resulting in registration of an FIR. The Applicant, who is the accused herein, was arrested on 30th April, 2024.

4. The Applicant made a bail application seeking his release on bail before the designated Court under MPID Act, Mumbai, however, by order dated 23rd August 2024, his bail application was rejected. Hence, the Applicant is before this Court for the relief as prayed.

5. Mr. Keshav Chavan, learned Counsel appearing for the Applicant says that the offence under the provisions of the MPID Act attract maximum imprisonment of six years and hence, technically the offence is bailable. He also submits that the act of accepting money for the purpose of investing in share market is completely aboveboard and legal and there is no illegality in the same. As far as the second limb of the amounts accepted is concerned, he submits that there is a Loan Agreement executed by and between the Applicant and the Complainant and hence, it was mutually agreed between the parties. Hence, the Complainant now cannot say that he was duped. He submits that the Applicant is a young businessman of 34 years of age and prays that the Applicant be released on bail.

6. Ms. Anamika Malhotra, learned APP representing the State, submits that half of the deposit collected from the First Informant and other victims was invested in the stock market, which she says is not an offence. However, the other half which the Applicant accepted as fixed deposits promising high returns to the tune of 15% interest *per annum,* is the offence which is alleged against the Applicant.

7. The First informant in the present FIR himself invested an amount of Rs. 5,00,000 and there are 29 other investors who are duped by this Applicant. In all she submits that the amount taken by the present Applicant is more than 6 crores. She submits that the Loan Agreement is nothing but a sham and does not provide any benefit to the First Informant. She thus, submits that *prima facie* a case under Section 3 of the MPID Act is made out and there is apprehension that the

Applicant may abscond if released on bail. To the contention of Mr. Chavan that he should be released on the ground of long incarceration, Ms. Malhotra submits that the trial is, in fact, being delayed by the Applicant himself as he has not given his reply to the application moved by the State under Section 294 of the Cr.P.C. In these circumstances, she strongly refused the contention of Applicant and resist the Bail Application.

8. I have heard learned Counsel for respective sides and perused the material on record with their able assistance.

9. *Prima facie,* it appears that the Applicant has accepted deposits from the Complainant and 29 other victims and defrauded them to the tune of Rs. 6,10,00,000/-. The case as set up by the Applicant that he suffered losses in the stock market, is not believable because insofar as the first limb of the deposits are concerned, the Applicant has not been prosecuted for that. However, it is the funds that was accepted by him towards fixed deposits, which he has failed to repay, is essentially the offence on the basis of which he is prosecuted.

Moreover, the Applicant has executed a loan agreement with his investors. I have perused the loan agreement and the contents of the same. The agreement appears to be a sham document only to lure the vulnerable investors to deposit their hard earned money with the Applicant.

10. The Supreme Court has consistently held that Economic offences by their very nature stand on a different footing than other offences and have wider ramifications. They constitute a class apart. Economic offences affect the economy of the country as a whole, pose a serious threat to the financial health of the country and corrode the trust of the common man in financial systems. If such offences are viewed lightly, the confidence and trust of the public will be shaken.

11. The Applicant was arrested on 30th April, 2024 and is in custody for about one year eight months. The maximum sentence under the MPID Act is six years and I am of the view that the period undergone by the Applicant does not qualify as long incarceration when it is the Applicant himself, who is delaying the trial, as appearing from the Roznama of the Trial Court.

12. In these circumstances, I am not inclined to enlarge the Applicant on bail.

13. The Bail Application is accordingly, rejected.

(DR. NEELA GOKHALE, J)