IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.615 OF 2025

Jagdish Bhagwandas Ahuja **...Applicant**
Versus
State of Maharashtra **...Respondent**

WITH
INTERIM APPLICATION NO.2233 OF 2025
(Application for Intervention)
IN
BAIL APPLICATION NO.615 OF 2025

Priyanka Bansal ....Intervenor
IN THE MATTER BETWEEN:
Jagdish Bhagwandas Ahuja **...Applicant**
Versus
State of Maharashtra **...Respondent**

Mr. Tapan Thatte, *with Ms. Bhavya Shah* i/by A&P Partners*, for the Applicant.*
Ms. Poonam P. Bhosale*, APP for the Respondent - State.*
Mr. Anand R. Kandoi*, for the Intervenor.*
I.O. -Mr. Sachin Survase, API, Dindoshi Police Station, present.

CORAM DR. NEELA GOKHALE, J.
RESERVED ON: 01st OCTOBER 2025
PRONOUNCED ON: 07th OCTOBER 2025

JUDGMENT:-

1. The Applicant seeks his release on bail in connection with FIR No.1102 of 2022 dated 7th November 2022, registered with the Dindoshi Police Station, Mumbai for the offences punishable under Sections 406, 420 and 34 of the Indian Penal Code, 1860 ('IPC' for short) and Section 3 of the Maharashtra Protection of Interest of Depositors (in Financial Establishments) Act, 1999 ('MPID' Act).

2. The case of the prosecution in brief is that the Applicant is a partner in M/s. Ahuja Properties & Associates, M/s. Ahuja Properties, M/s. Ahuja Developers and M/s. Ahuja Properties & Developers. In 2014, the Applicant and his son, Mr. Gautam Jagdish Ahuja lured the family members of the Complainant to invest money in the firms of the Applicant. They were assured returns of 21% p.a. on the said investement. On 31st January 2014, the Intervenor's husband invested an amount of Rs.15 Lakhs from the account of the HUF of Bansal Family. On 31st March 2015, another amount of Rs.25 Lakhs was deposited with M/s Ahuja Properties and Associates by way of RTGS. The Intervenor herein learnt that even her father-in-law had deposited an amount of Rs.25 Lakhs from his individual account and another Rs.50 Lakhs from the Bansal Family's HUF account with M/s Ahuja Properties and

Associates. The Applicant issued four receipts to the Bansals. Gautam Ahuja, the Applicant's son, has also signed on the said bill of exchange/receipt. To his credit, the Applicant gave the promised returns to the Bansal Family upto January 2016. Thereafter, the returns stopped. The cheques issued to the members of Bansal Family were dishonoured. Thus, the Intervenor and her family members filed proceedings under the Negotiable Instruments Act, 1881, against the Applicant and his partnership firms before the Borivali Metropolitan Magistrate Court. The learned Magistrate directed the Police to register an FIR against the Applicant and his son, Gautam.

3. The Applicant filed a bail application before the Designated Court under the MPID Act, the City Civil & Sessions Court, Greater Mumbai. However, by an order dated 17th December 2024, the said bail application was rejected. Hence, the Applicant has filed the present bail application for the reliefs as prayed.

4. Mr. Tapan Thatte, learned counsel appearing for the Applicant, has placed on record a compilation of documents including the charge-sheet and an order dated 28th April 2025 passed by this Court in Criminal Bail Application No.620 of 2025 wherein the Applicant is enlarged on bail in FIR No.143 of 2022. Thus, the thrust of Mr. Thatte's argument is that this Court in the same offences registered with the Economic Offences Wing (EOW), General Cheating-3 (Initially registered as C.R.No.961 of 2022 with the Santacruz Police Station) has already granted bail to the Applicant. Mr. Thatte further argued that prosecuting the Applicant for the similar offence is nothing but double jeopardy. He also argued that some amounts have already been returned to the Complainants and hence, no purpose is served by continuing the Applicant's custody. He further submits that the Applicant and his son are declared insolvent by an order dated 24th June 2022 passed by this Court. He submits that the Applicant is in custody since 19th December, 2022, and has served 2 and half years in custody. He further submits that the complaint is of civil nature and both the complainant and the investors are at liberty to file their respective claims before the Official Assignee appointed by this Court. He submits that in any case no offence under Section 420 is made out.

5. Per contra, Ms.Bhosale, learned APP representing the State has brought to my attention an Affidavit dated 13th March, 2023 affirmed by Sachin Ramesh Survase, the Assistant Police Inspector attached to the Dindoshi Police Station, Mumbai. It is averred in the said Affidavit that on investigation, it is found that the present Applicant accepted money from the complainant and other investors by misrepresenting their financial position and promised unrealistic high returns on their investments. An amount of Rs.1,15,00,000/- is accepted from the complainant by the Applicant and his firm. The Affidavit also avers that the present Applicant has similar criminal antecedants. There is a list of 9 cases against the Applicant and his son Gautam pending before various Courts. Ms. Bhosale vehemently denied that the offence is of civil nature and submitted that the act of the Applicant and his son is compeltely covered under the MPID Act and also the ingredients of offence of cheating is clearly made out. Ms. Bhosale has also pointed out that the son of the Applicant is absconding. The charges are framed, the trial has commenced and the chief-examination of the complainant is already recorded on 24th March, 2025. On instructions, she submits that the prosecution intends to examine approximately 7 witnesses. Thus, the trial is likely to be concluded in the near future. She prays that the bail application be rejected.

6. The Intervenor/complainant is represented by Mr.Kandoi. In addition to his oral arguments he has also placed written notes on record. He submitted that while the Applicant has committed fraud on the the complainant and her family members, he has in fact duped members of the public as well and the overall loss to the public exceeds Rs.600 crores. He further submits that while the victims are deposing, grant of bail to the Applicant is likely to prejudice the prosecution and undermine the confidence of the witnesses. He submits that the Applicant is a habitual offender and as such his Application be rejected.

7. I have heard learned counsels for the respective parties and have perused the record with their assistance. I have also gone through the order dated 28th April, 2025, wherein the present Applicant is granted bail in connection with FIR No.143 of 2022 registered with the Santacruz Police Station (intially registered as C.R. No.961 of 2022). It appears that this Court enlarged the Applicant in that case *prima facie* observing that the trial is pending before the Court which would not be completed in the near foreseeable future. Now in the present case, one prosecution witness is already examined and only 6 prosectuion witnesses are remain to be examined. Thus, the trial's end is visible on the horizon. In this view of the matter, the principle of parity will not apply.

8. Notwithstanding the fact that, the complainants in that matter were the same as the CR giving rise to the present Bail Application, the Applicant cannot claim double jeopardy as a defence for the reason that these are two independent offences, *albeit* intiated by the same complainant but in different CRs.

9. The charge-sheet clearly shows that there is a list of investors who have been allegedly duped by the Applicant and his son by employing similar *modus operandi*. As per the Intervenor there are as many as 696 criminal cases pending against the Applicant and his son and 86 criminal appeals in various Courts. The Applicant is thus, a habitual offender involved in offences of similar nature.

10. In ***Y.S. Jagan Mohan Reddy v. CBI***[1], the Supreme Court has observed that economic offences constitute a class apart and need to be vistited with a different approach in the matter of bail. The economic offences have deep rooted conspiracies involving a huge loss of public funds which needs to be viewed seriously. In the present case, the Applicant is also facing charges under the MPID Act. The purpose of MPID Act is very clear. It is to provide for speedy trial of offences of

1 (2013) 7 SCC 439

fraudulent means and to ensure effective recovery of money so as to protect the small investors. The Applicant has also averred in the grounds for bail in his Application that the complainant should approach the RERA authorities and as such the acts complained of by the complainant do not come within the meaning of MPID Act. In my view, this argument cannot be decided at the stage of bail. In any case, a plain reading of Section 3 of the MPID Act, makes it clear that any amount received by a financial establishment under any scheme or arrangement, promising a return in cash or kind amounts to a deposit.

11. In the present case, the complainant alongwith other investors placed their money with the Applicant in a fiduciary capacity who is duty bound to invest and return profits as promised. The Applicant has been unable to return their money. In any case, the trial has commenced and witnesses are being examined. I am satisfied with the submissions of the Intervenor that releasing the the Applicant at this stage will undermine the confidence of the depositors.

Moreover, since the Applicant's son is absconding, it is also likely that the Applicant may join his son.

12. Considering the aforesaid, I am not inclined to grant bail to the Applicant at this stage.

13. Bail Application is rejected.

14. It is made clear that the observations made in the present order are confined to the Bail Application and the trial Court should decide the case on its own merits, without being influeced by the osbervations made hereinabove.

(DR. NEELA GOKHALE, J)