

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL BAIL APPLICATION NO. 2908 OF 2025

Mr. Sundar Dattatray Koli

...Applicant

Versus

The State of Maharashtra and Anr.

...Respondents

Mr. Ramanik P. Pawar a/w Ms. Samiksha Pawar, learned Advocates for the Applicant.

Mr. Amit A. Palkar, learned A.P.P. for the State/Respondent.

Mr. Rahul H. Gupta, learned Advocate for Respondent No. 2.

PC-724 Mr. L. Javdhar attached to Pandharpur City Police Station, Solapur (Rural) is present in the Court.

CORAM : ASHWIN D. BHOBE, J.

DATE : 30th JULY 2025.

P.C. :

1. Heard Mr. Ramanik Pawar, learned Advocate for the Applicant, Mr. Amit Palkar, learned A.P.P. for the State/Respondent and Mr. Rahul Gupta, learned Advocate for Respondent No. 2.

2. Applicant sole Accused in Crime No. 293 of 2023 registered with Pandharpur City Police Station, Solapur (Rural), for the offences punishable under Sections 420, 406 and 409 of the Indian Penal Code, 1860 ("IPC" for short) and Sections 3 & 4 of the Maharashtra Protection of Interest of Depositors Act and the Banning of Unregulated Deposit Schemes Act, 2019, by the present Application filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 ("BNSS" for short), is before this Court

seeking regular bail.

3. Mr. Ramanik Pawar, learned Advocate for the Applicant states that the Crime No. 293 of 2023 is registered as Special MPID Case No. 2 of 2024 and is pending before the Court of the Special Judge, Pandharpur. Applicant is the sole accused in the said crime.

4. Crime No. 293 of 2023, was registered on the basis of complaint lodged by Respondent No. 2. Case of the prosecution is that Respondent No. 2 along with his two brothers invested an amount of Rs. 87,81,000/- with the Applicant on an allurement of high returns on the said investment. Applicant failed to keep his commitment.

5. Applicant was arrested on 20th November 2023, since then he is in jail. Criminal Bail Application at Exhibit-11 filed by the Applicant in Special MPID Case No. 2 of 2024, was rejected by the learned Special Judge, Pandharpur by order dated 16th April 2025.

6. Mr. Ramanik Pawar, learned Advocate for the Applicant submits that Respondent No. 2, has made attempt to give a criminal flavour to a civil dispute arising out a contract between the parties. He submits that breach of a contract does not amount to a criminal offence. He submits that it was on account of a misunderstanding between the Applicant, the Respondent No. 2 and his two brothers that the amount was not returned by the Applicant within the stipulated time. He submits that the Applicant has fulfilled his contractual obligations and returned the entire amount with interest to Respondent No. 2 and his two brothers. He submits that no offence is made out against the Applicant on

the basis of complaint lodged by Respondent No. 2.

7. Mr. Rahul Gupta, learned Advocate for Respondent No. 2 submits that on account of misunderstanding between the Applicant, the Respondent No. 2 and his two brothers, Respondent No. 2 was forced to file the complaint. He submits that after registration of the Crime No. 293 of 2023, the Applicant has paid the entire amount to Respondent No. 2 in terms of his contractual obligations.

8. Mr. Amit Palkar, learned A.P.P. for the State/Respondent No. 1 submits that the Respondent No. 2 set the criminal law in motion on the basis of his complaint. He submits that on 29th July 2025, Respondent No. 2 appeared before the Investigating Officer and got his supplementary statement recorded. He tenders a copy of the supplementary statement of Respondent No. 2 recorded on 29th July 2025, same is taken on record and marked as "X" for identification. He submits that the Respondent No. 2 has stated that the subject matter of Crime No. 293 of 2023 is settled between the parties as they have received the entire amount from the Applicant. He submits that in view of the supplementary statement dated 29th July 2025, this Court can consider the request for bail made by the Applicant.

9. I have perused the records with the assistance of learned Advocates of the parties.

10. Complaint lodged by Respondent No. 2, refers to Respondent No. 2 and his brothers investing amounts with the Applicant on an assurance of high returns. Advocates representing the Applicant

and Respondent No. 2 before this Court in unison have submitted that the complaint was a result of a misunderstanding amongst the Applicant, Respondent No. 2 and his two brothers. Apparently, a dispute, which is purely civil in nature, has been given the colour of a criminal offence.

11. Supplementary statement of Respondent No. 2 recorded on 29th July 2025 reveals the Respondent No. 2 and his two brothers have received the entire amount from the Applicant. Contents of the complaint read with the supplementary statement give an impression of the Respondent No. 2 perceiving civil law as an ineffective remedy and criminal case as a prompt quicker remedy.

12. Hon'ble Supreme Court has time and again expressed strong disapproval of the growing trend of converting civil disputes into criminal cases and has consistently cautioned against the misuse of criminal law for the matters that are essentially civil in nature.

13. Considering the contents of complaint, the nature of allegations read with the supplementary statement of Respondent No. 2, the conclusion that can be drawn is that a dispute which is purely civil in nature, has been given the colour of a criminal offence. Continuation of Applicant in jail would not be warranted. Applicant is therefore entitled to bail.

14. By lodging the complaint, Respondent No. 2 set the criminal law in motion and put the Investigating Agency at work. Respondent No. 2 has initiated criminal proceedings knowing the same was unwarranted. Mr. Rahul Gupta, learned Advocate for Respondent No. 2, on instructions from Respondent No. 2, makes a

voluntary gesture of depositing an amount of Rs. 60,000/-, before the Registry of this Court for a charitable cause. He submits that the said amount would be deposited within one week from today.

15. In view of the above, the Application is allowed on the following conditions :-

- a. Applicant is directed to be released on bail in connection with Crime No. 293 of 2023 registered with Pandharpur City Police Station, Solapur (Rural) for the offences punishable under Sections 420, 406 and 409 of the IPC and Sections 3 & 4 of the Maharashtra Protection of Interest of Depositors Act and the Banning of Unregulated Deposit Schemes Act, 2019 on executing P.R. Bond in the sum of Rs. 25,000/- (Rupees Twenty-five Thousand Only) with one or two sureties in the like amount to the satisfaction of the Special Judge, Pandharpur.
- b. Applicant shall co-operate in the conduct of the trial of Special MPID Case No. 2 of 2024 and shall regularly attend the hearing of the case pending on the file of Special Judge, Pandharpur.
- c. Upon the deposit of the amount of Rs. 60,000/- within time as noted above, Respondent No. 2 to submit the receipt of the same in the Registry of this Court. Upon the proof of deposit, Registry of this Court is directed to disburse the same in the following manner :-

i. Rs. 30,000/- to Mahila Vikas Mandal, Colaba, Reg. No. 2924 of (1953-54) under the Societies Registration Act XXI of 1860. Reg. No. F-450 Bombay under the Maharashtra Public Trusts Act, 1950. Details of bank account for payment of said amount are as under :-

Bank : Bank of Baroda, Backbay Reclamation Branch, Mumbai – 400 020.

A/c. No. : 03820100002611

IFSC Code : BARB0BACKBA

A/c. Name : Mahila Vikas Mandal Colaba

A/c. Type : Savings

ii. Rs. 30,000/- to Maharashtra Central Police Welfare Fund. Details of bank account for payment of said amount are as under :-

Bank Name : Axis Bank Limited

Branch Name : Worli, Mumbai (M.H.), Mumbai-400 025

Account Name : Central Police Welfare Fund

Account Number : 914010029005759

IFSC Code : UTIB0000060

16. Mr. Ramanik Pawar, learned Advocate for the Applicant submits that the Applicant be permitted to furnish provisional cash bail in lieu of surety. He undertakes to furnish regular surety

within a period of 4 weeks from the date of release of the Applicant from jail. Statement accepted. Applicant is permitted to furnish provisional cash bail in lieu of surety.

17. Criminal Bail Application No. 2908 of 2025 stands disposed of in the abovesaid terms.

[ASHWIN D. BHOBE, J.]

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by GITALAXMI
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