AGK

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.646 OF 2025

Roshan Rohidas Halpatrao ... Applicant
V/s.
The State of Maharashtra ... Respondent

WITH
INTERIM APPLICATION NO.2607 OF 2025
IN
BAIL APPLICATION NO.646 OF 2025

Sonesh Sudhakar Dalal ... Applicant
In the matter between
Roshan Rohidas Halpatrao ... Applicant
V/s.
The State of Maharashtra ... Respondent

Ms. Gayatri Yadav for the applicant in BA.

Ms. Rashmi Bhandarkar for the intervenor/applicant.

Mrs. Mahalakshmi Ganapathy, APP for the respondent-State.

Mr. S.D. Chauree, PSI, Shivaji Nagar Police Station, Thane City, is present.

CORAM : AMIT BORKAR, J.

DATED : AUGUST 4, 2025

P.C.:

1. By the present application filed under Section 439 of the Code of Criminal Procedure, 1973 ("Cr.P.C." for short), the applicant seeks his release on regular bail in connection with Crime Register No. 415 of 2024 registered with Shivajinagar Police Station, for offences punishable under Sections 420, 406, 467, 471, and 34 of the Indian Penal Code, 1860 ("IPC" for short).

2. The brief facts, as alleged by the prosecution, are as follows: The informant, one Sonesh Sudhakar Dalal, is engaged in the construction business under the name "Dalal Group & Company". In the year 2021, as he was in need of financial assistance for his business activities, he came into contact with co-accused persons Roshan Halpatrao and Dundaram Kulkarni. This introduction was facilitated by two acquaintances of the informant's father, namely, Jagannath Gaikar and Sarpanch Jayram Bhoir. These persons represented to the informant that the accused had control over seven financial institutions and could arrange a loan of Rs. 30 crores for him.

3. Pursuant to this assurance, a meeting was arranged wherein the applicant and the other accused promised to secure a loan of Rs. 30 crores for the informant within seven days from an entity named Vyankatesh Money Lenders Finance Legal Department. As per their directions, the informant was required to provide documents such as Aadhar Card, PAN Card, Development Agreement, Income Tax returns, and also deposit 12% of the loan amount in advance. The informant initially agreed to pay Rs. 50 lakhs. Subsequently, in another meeting held in December 2021, it was stated by the applicant, who claimed to be the Chairman of Vyankatesh Money Lenders, that the informant would also be required to become a shareholder of the said institution. Relying on these representations, the informant paid a total amount of Rs. 48,43,000/- to the applicant and other co-accused through cheque, RTGS, and partly in cash.

4. However, according to the informant, despite repeated follow-ups, the promised loan was never disbursed. The accused gave evasive replies, and it was later discovered that no such office of the so-called financial institution existed at the given address. Further, it is alleged that the accused promised to disburse at least 50% of the sanctioned amount by 31 March 2024, and for that purpose, co-accused Ishwar Suryawansi issued a cheque, which was dishonoured. Consequently, the informant approached the police and lodged a complaint. The applicant was arrested on 18 April 2024.

5. Learned Advocate for the applicant submitted that out of the total alleged misappropriated amount of Rs. 54,30,000/-, only Rs. 22,90,000/- is attributed to the applicant. It is further submitted that there are inconsistencies in the complainant's initial and supplementary statements. It was argued that the informant, being an educated businessman, would not have parted with such a substantial sum without conducting proper due diligence, and therefore, the story narrated in the FIR appears improbable. It is also submitted that the alleged offence is primarily based on documents, and the investigation is now complete. The charge-sheet has already been filed on 14 June 2024. The applicant has been in custody since 18 April 2024 and has no criminal antecedents. Hence, it is urged that further detention is not warranted and the applicant may be enlarged on bail.

6. On the other hand, the learned APP for the State and learned Advocate for the complainant opposed the bail application. They submitted that the applicant, along with the co-accused, induced the informant to part with an amount of Rs. 54,30,000/- under the false promise of securing a loan of Rs. 30 crores. The accused claimed to control seven financial institutions and executed documents purportedly on behalf of "Shreevenkatesh Moneylenders", which has now been found to be a fictitious and non-existent entity. This, according to the prosecution, clearly indicates that the accused had fraudulent intention from the very inception. Most of the funds were transferred through banking channels, thereby establishing a financial trail directly linking the accused to the transaction. It is pointed out that the Sessions Court has already rejected the bail application of co-accused Ishwar Suryawansi, with specific findings regarding the existence of a conspiracy among the accused to siphon off the complainant's money. Moreover, the trial has already commenced before the Sessions Court, Kalyan, and the cross-examination of the present applicant is presently underway. Hence, it is submitted that in the interest of justice and smooth conduct of trial, the application deserves to be rejected.

7. I have considered the submissions advanced by the learned Advocate for the applicant, the learned APP for the State, and the learned Advocate for the complainant. I have also gone through the record, including the FIR, statements of witnesses, documentary evidence, and the charge-sheet.

8. At this stage, it is necessary to note that the nature of allegations levelled against the applicant is grave and serious. The record prima facie reveals that the applicant and the co-accused persons misrepresented themselves as officials of a financial institution and induced the informant to part with a substantial amount of Rs. 54,30,000/- under the guise of arranging a loan of Rs. 30 crores. The name of the institution, i.e., "Shreevenkatesh Moneylenders", is stated to be fictitious, and the office address given was found non-existent, thereby suggesting that the entire transaction was orchestrated with dishonest intent from the very inception.

9. The role played by the applicant, as emerging from the record, cannot be said to be merely peripheral or secondary. On the contrary, the material placed before the Court shows that the applicant was actively and directly involved in the alleged offence. The informant has clearly stated in his supplementary statement that the applicant introduced himself as the Chairman of the so-called financial institution, Shreevenkatesh Moneylenders, and assured the informant of arranging a substantial loan of Rs. 30 crores. This assurance was not in isolation; it was accompanied by specific demands for advance payment to process the loan.

10. The documents filed along with the charge-sheet reveal that the applicant personally received large sums of money from the informant, partly in cash and partly through formal banking channels such as cheques and RTGS transfers. These transactions are not vague or untraceable; they are supported by documentary evidence including bank statements and receipts, which prima facie establish the applicant's active role in the alleged cheating.

11. Furthermore, one of the co-accused, Ishwar Suryawansi, had issued a cheque to the informant in furtherance of the same transaction. That cheque came to be dishonoured. This incident lends additional weight to the prosecution's case and corroborates the allegation that the accused persons acted in a concerted manner to mislead the informant and gain unlawful enrichment by dishonest means. The dishonour of the cheque not only reflects non-performance of the promise made but also strengthens the inference of dishonest intention from the inception of the transaction.

12. Thus, the applicant's role is not merely of a bystander or someone loosely associated with the main transaction. He appears to be one of the principal actors in what is alleged to be a pre-planned scheme to defraud. At this stage, these facts cannot be ignored or lightly brushed aside while considering a prayer for bail.

13. The defence argument that the informant is an educated businessman and hence should not have believed the accused persons without verification does not, at this stage, demolish the prima facie case. It is well settled that gullibility or misjudgment on the part of the victim cannot absolve an accused of criminal liability where fraudulent intent is otherwise apparent. The alleged act reflects an organised offence involving forged documents and use of fictitious institutions to mislead the informant.

14. It is also not disputed that the trial has already commenced before the learned Sessions Court, Kalyan. The cross-examination of the applicant is presently underway. In such a scenario, enlargement of the applicant on bail may likely hinder the trial proceedings or influence the witnesses, particularly when the complainant has directly named the applicant in his supplementary statement.

15. The gravity of the offence, coupled with the systematic manner in which the alleged cheating has been carried out, indicates a well-planned scheme. The allegations attract not only Sections 420 and 406 of the IPC but also serious charges of forgery under Sections 467 and 471, which carry stringent punishment. The economic offences of this nature affect public trust and need to be viewed with the seriousness they deserve.

16. Though it is pointed out that the charge-sheet has been filed and the applicant has no criminal antecedents, these facts by themselves are not sufficient to override the serious nature of the accusations and the stage of the trial. In view of the material placed on record, there is a reasonable apprehension that if the applicant is released on bail at this stage, it may adversely affect the fair trial of the case.

17. In view of the aforesaid discussion, I am not inclined to grant bail to the applicant at this stage.

18. Accordingly, the bail application stands rejected.

19. In view of this order, the interim application also stands disposed of.

(AMIT BORKAR, J.)