2025:BHC-NAG:3386

IN THE HIGH COURT OF JUDICATURE AT BOMBAY, NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (BA) NO.78 OF 2025
Suraj s/o Kashinath Dhandravye
..vs..
State of Mah., thr.PSO PS Nandura, District Buldhana

WITH

CRIMINAL APPLICATION (BA) NO.1245 OF 2024
Mohan Madhukar Ghan
..vs..
State of Mah., thr.PSO PS Nandura, District Buldhana

Office Notes, Office Memoranda of Coram, appearances, Court orders or directions and Registrar's orders	Court's or Judge's Order

BA No.78/2025
Shri R.M.Daga, Counsel for the Applicant.
Shri Anant Ghongre, Additional Public Prosecutor for the NA/State.
Shri R.K.Thakkar, Counsel for the complainant.

BA No.1245/2024
Shri S.V.Sirpurkar, Counsel & Shri Mohan Agrawal & Ms.Garima Jain, Advocates for the Applicant.
Shri Anant Ghongre, Additional Public Prosecutor for the NA/State.
Shri R.K.Thakkar, Counsel for the complainant.

CORAM : URMILA JOSHI-PHALKE, J.
CLOSED ON : 28/03/2025
PRONOUNCED ON : 03/04/2025

1. These applications are filed by applicants in connection with Crime No.236/2024 registered with the non-applicant/police station for offences punishable under

Sections 420, 406, 409, 467, 468, 470, 471, 477(1), 201, 120-B of the IPC and under Sections 43(B), 65, 66(B), 66(C), and 66(D) of the Information Technology Act, 2000.

2. The applicants came to be arrested on 10.4.2024 and 15.5.2024 respectively.

3. The allegations are on the basis of the report lodged by Rajendraprasad Ramkewal Pandey, the CEO of Nandura Urban Cooperative Bank that co-accused Pratik Sharma, serving as Technical Staff in the said bank, by hatching conspiracy with the present applicants and other co-accused, took false entries and transferred amounts in various bank accounts including accounts of their friends, relatives, and in his own account in all 34 in numbers. The applicant in Criminal Application No.78/2025, who is Branch Manger, forged signatures of bank account holders and withdrew the amounts and co-accused Pratik Sharma used the said amounts in cricket betting. The total stake of the amounts is Rs.5,44,65,000/-.

4. Heard learned counsel appearing for respective parties.

5. Learned counsel appearing for applicants submitted that as far as applicants are concerned, merely because they are employees, they are implicated in the alleged offence. They are not beneficiaries. On the contrary, bank accounts of their relatives, especially wife and brother of applicant Suraj Dhandravya, were misused by the co-accused as well as bank account of brother of applicant Mohan Madhukar Ghan is also misused for transfer of the said amount. Now, investigation is already completed and chargesheet is already filed. Further incarceration of applicants is not required. In support of their contentions, they placed reliance on the decisions of the Hon'ble Apex Court in cases of **P.Chidambaram vs. Directorate of Enforcement, reported in (2019)9 SCC 24**; **Sanjay Chandra vs. Central Bureau of Investigation, reported in (2012)1 SCC 40**, and **Manish Sisodiya vs.**

Central Bureau of Investigation, reported in 2024 SCC OnLine SC 1920.

6. *Per contra*, learned Additional Public Prosecutor for the State and learned counsel for the complainant strongly opposed applications and submitted that as far as applicants are concerned, their involvement in the crime is direct involvement. During investigation, it revealed that they were part of conspiracy. The co-accused with the aid of applicants transferred amounts in accounts of their brothers and wives. Applicant Suraj, was Branch Manager at the relevant time who forged signatures of account holders and withdrew amounts. The Forensic Audit Report, various statements of witnesses show involvement of applicants in the alleged offence. Thus, considering their involvement in economic offence, both applications deserve to be rejected.

7. After hearing both sides and perusing of investigation papers, it reveals that applicant Suraj was

Incharge Branch Manager. Whereas, applicant Mohan was also serving in the said bank and by hatching conspiracy with the co-accused and in connivance with each other, they used accounts of various customers for fraudulent transfers including account numbers of their relatives. The statements of witnesses also disclose that applicants have communicated to various customers informing them that some amounts would be transferred to their accounts and they should withdraw the same and hand over to them. For the said transactions, they have paid some amounts to the said bank customers. Thus, manner in which fraudulent transfers are done, is not only ascertained in the Forensic Audit Report but also it revealed from statements of witnesses and account statements of the said customers. Thus, involvement of applicants revealed in the present crime.

8. In the decision, upon which learned counsel appearing for respective applicants relied upon, in the case

of **P.Chidambaram vs. Directorate of Enforcement** *supra*, application was filed for anticipatory bail and it is held that economic offences constitute a class apart and need to be visited with a different approach in the matter of bail. While granting bail, the court has to keep in mind the nature of accusations, the nature of evidence in support thereof, the severity of the punishment which conviction will entail, the character of the accused, circumstances which are peculiar to the accused, reasonable possibility of securing the presence of the accused at the trial, reasonable apprehension of the witnesses being tampered with, the larger interest of the public/State and other similar considerations and dismissed the appeal of the applicant therein.

9. In the case of **Sanjay Chandra vs. Central Bureau of** *supra*, facts considered were that the accused are charged with economic offences and their further custody is not required.

10. In the case of **Manish Sisodiya vs. Central Bureau of Investigation** *supra,* bail was granted especially on the ground that despite of direction, the trial was not progressed.

11. In the present case, as observed earlier, the involvement of applicants is in economic offence. The public money is misappropriated and siphoned by transferring to other bank accounts.

12. It is well settled position of law that jurisdiction to grant bail has to be exercised having regard to facts and circumstances of case. The factors to be taken into consideration are; 1) the nature of accusations and severity of punishment; 2) reasonable apprehension of tampering with witnesses; 3) reasonable possibility of securing presence of accused, and 4) character, behaviour and standard of accused. Each case has to be considered on its own merits.

13. In the present case, considering the nature of the

crime, huge amounts are involved.

14. The Hon'ble Apex Court, while dealing with offence, involving conspiracy to commit economic offences of huge magnitude, in the case of **Y.S.Jagan Mohan Reddy vs. CBI, reported in (2013)7, SCC 439,** laid down following parameters:

> "i) economic offences constitute a class apart and need to be visited with a different approach in the matter of bail. The economic offence having deep rooted conspiracies and involving huge loss of public funds needs 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, and
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> ii) while granting bail, the court has to keep in mind the nature of accusations, the nature of evidence in support thereof, the severity of the punishment which conviction will entail, the character of the accused, circumstances which are peculiar to the accused, reasonable

possibility of securing the presence of the accused at the trial, reasonable apprehension of the witnesses being tampered with, the larger interest of the public/State and other similar considerations.

Also, the Hon'ble Apex Court, in the case of **State of Gujarat vs. Mohan Lal Jitamalji Porwal, reported in (1987)2 SCC 364**, held as under:

"5. ....The entire community is aggrieved if the economic offenders who ruin the economy of the State are not brought to book. 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.....”

15. Considering the role of applicants, having involved in economic offence wherein public money is involved and the investigation revealing manner in which the offence is committed and bank customers were duped and public money is at stake, the role of applicants is clearly exposed.

16. In the background of accusations and its gravity, applicants are not entitled for being released on bail and, therefore, applications deserve to be rejected and accordingly the same are **rejected**.

Applications stand **disposed of**.

(URMILA JOSHI-PHALKE, J.)

!! BrWankhede !!