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

CRIMINAL APPLICATION (BA) NO.120/2025
Ramanrao Bolla
..vs..
The State of Maharashtra, through PSO Mauda PS, Nagpur (Rural) represented by EOW (Rural), Civil Lines, Nagpur

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Office Notes, Office Memoranda of Coram, appearances, Court orders or directions and Registrar's orders — Court's or Judge's Order
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Shri Harish Dangre, Counsel for the Applicant.
Shri Neeraj Jawade, Additional Public Prosecutor for the State.

CORAM	**: URMILA JOSHI-PHALKE, J.**
CLOSED ON	**: 09/06/2025**
PRONOUNCED ON	**: 12/06/2025**

1. By this application, the applicant seeks regular bail in connection with Crime No.783/2023 registered with the non-applicant/police station for offences punishable under Sections 109, 120-B, 409, 413, 420, 467, 468, and 471 of the IPC and under Section 66(d) of The Information Technology Act, 2000 and under Section 3 of the Maharashtra Protection of Interest of Depositors (in Financial Establishments) Act, 1999 (the MPID Act).

2. The applicant came to be arrested on 28.10.2023 and since then he is in jail.

3. The crime is registered on the basis of a report lodged by Ramkrushna Manikrao Nimburkar alleging that he and other prosecution witnesses including Vijay Dadarao Wankhede and Nilkanth Ramraoji Chikhle are farmers. The applicant owns a Warehouse at Gumthala and deals in trading of Nut, Paddy, and other food grains like grams. One Roshan Pande, driver working with co-accused V.S.Wakalpudi, approached the complainant and other farmers and informed that the Government is implementing a Scheme and granting compensation to small farmers who suffered losses of natural calamities. It was further informed that farmers have to open their Bank Accounts in Bank in order to get compensation. Thus, the complainant and other farmers were convinced by said Roshan Pande to open their Bank Accounts and, therefore, they approached co-accused V.S.Wakalpudi and they were

taken in the Bank. Their documents like Aadhar Cards, Photographs, and Identity Proofs were obtained on a pretext of opening of Bank Accounts for depositing compensation amounts. Said co-accused V.S.Wakalpudi introduced them with the applicant and informed them that for receiving compensation, they have to open Bank Accounts. Accordingly, the complainant and other farmers handed over the documents to them and their signatures were obtained on blank forms. Subsequent thereto, the complainant and other farmers received Notices from Corporation Bank on 9.4.2018 asking them to repay loan amounts and, therefore, the complainant approached Advocate Chikhle to find out reason for issuing Notices to them and he and other farmers came to know that the bank advanced loan in their favour and loan amounts are not repaid and, therefore, notices were issued to them. The complainant immediately approached co-accused V.S.Wakalpudi and informed them about Notices issued to them. However, the applicant and other co-accused assured them that whatever loans showing against them are secured and the same shall be repaid within two years. The complainant and other farmers approached the police station and lodged the report on the basis of which the crime was registered.

4. Along with the applicant, co-accused Anand Kakde, who is also one of farmers, also received pecuniary gain and one Pravin Mendhe, employee of The National Commodities Management Services Limited (NCML), were arraigned as accused.

5. On the basis of allegations, that the loan amounts were obtained in the name of the complainant and other farmers by the applicant and the other co-accused and the said amount was misappropriated and siphoned for their own benefits, the crime was registered.

6. Heard learned counsel Shri Harish Dangre for the applicant and learned Additional Public Prosecutor Shri Neeraj Jawade for the State.

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7. Learned counsel for the applicant submitted that period of the alleged transactions is from January 2017 to August 2023. He invited my attention to an Agreement between The National Commodities Management Services Limited (NCML) and Corporation Bank and submitted that the applicant is not at all concerned either with the alleged stock kept in the Warehouse and, therefore, there is no nexus between the complainant and misappropriation of goods kept in the said Warehouse. He further submitted that farmers never complained about the transactions. No action was taken, till 2018. The farmers also participated in the recovery proceeding. The loans were obtained by farmers and only role attributed to the applicant is that he is guarantor of said loans. The FIR is lodged after three years. The allegation against the applicant is that, he facilitated to open bank account, which is no offence. No bogus accounts are opened. The recovery proceeding is still pending. Audit Report nowhere discloses that farmers

have obtained loans. Thus, considering the entire evidence on record, no *prima facie* case is made out against the applicant. The applicant has explained circumstances by way of an additional affidavit.

8. *Per contra*, learned Additional Public Prosecutor for the State strongly opposed the application on ground that during investigation, it revealed that the applicant and other co-accused allured farmers. The loans obtained in the name of the complainant and other farmers were diverted to various bank accounts of the Company and Personal Accounts of the applicant and his family members. The applicant is one of conspirators and owns Warehouses under the name and style as “Adinath Cold Storage”, “Darpan Warehouse”, “Darpan Warehouse”, and Ramanrao Bolla”. He hatched conspiracy to dupe farmers, got opened their Bank Accounts, obtained loans, and amount of loans, which is public money, is siphoned by the applicant. Total amount

siphoned by the applicant comes to Rs.145.00 Crores. During the course of the investigation, various statements were recorded. Forensic Audit Report was collected and involvement of the applicant revealed.

9. Having heard learned counsel appearing for parties and perused investigation papers, it reveals that the report is lodged on an allegation that the complainant, who is farmer, and other farmers, who are either landless or less land, were induced by co-accused through his driver Roshan Pande. They were induced on pretext that they can receive compensation against natural calamities and their documents were obtained and by using the same, Bank Accounts were opened in their names and 184 loan proposals were prepared in their names. In fact, farmers were not aware about the said loan accounts. Thus, the scam is of Rs.145,25,00,168/- involving three banks namely Corporation, IDBI, and Vaisya Bank, out of which 159 loan cases prepared. It further revealed that

while obtaining loans, crops were mortgaged. The co-accused who were grain merchants used to purchase grains from open market and obtained loans in the names of persons who either are landless and less land. While keeping the grains as mortgage, the applicant and other co-accused used to keep 50% of grains and 50% of chaffs. The officers of the NCML, who were supervising, were also managed by giving them pecuniary benefits, forged reports were prepared and by showing forged data of food grains, loans were obtained and the amounts were misappropriated.

10. Statements of witnesses show involvement of the applicant in the alleged scam.

11. During the investigation, the investigating agency conducted Forensic Audit Report, which shows that following natural disaster, affected farmers were eligible for the Government compensation and for receiving the compensation, farmers are required to

possess their Bank Accounts. The applicant and other co-accused exploited this situation by offering assistance to farmers. Co-accused Roshan Pande used to contact and interact with farmers. The observation of the summary reveals that substantial amounts of funds by way of loans in the names of farmers were transferred towards repayment of CC accounts held by the applicant and other co-accused with different banks. A detailed examination of the concerned bank accounts of the accused individuals highlighted a recurring pattern of financial activity involving the NCML. The Forensic Audit Report further reveals that deposits of loan amounts into farmers' bank accounts were subsequently transferred to accounts belonging to the applicant and other co-accused. The conclusion of the Audit Report shows that amount Rs.76,47,21,147/- was transferred from loan accounts of farmers to bank accounts of the applicant and other co-accused.

12. The statements of farmers sufficiently show involvement of the applicant and other co-accused.

13. The statement of bank official Gouri Patankar also substantiates that loans were obtained by maintaining food grains stock stored in the Warehouse of the applicant and bogus release orders were issued by the NCML Officers.

14. As far as sanction of loans is concerned, confidential reports of the Executive Director and the Chief Executive Officer of Fraud Monitoring Cell point out that loans were sanctioned against agricultural produce stored in godowns owned by the applicant.

15. Thus, *prima facie* case is made out against the applicant.

16. From the evidence on record, it is apparent that by hatching conspiracy by the applicant and other co-accused poor farmers were deceived and some of them committed suicide and some of them are under mental

stress.

17. The involvement of the applicant is in a huge economic scam.

18. As regards economic offence, while granting bail, the court has to keep in mind the nature of accusations, the nature of evidence in support thereof, and the severity of the punishment.

19. 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

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".

20. Another ground raised by learned counsel for the applicant is that he is arrested on 28.10.2023 since then he is behind the bars. The trial is not yet commenced. Thus, there is a delay in trial.

21. Learned Additional Public Prosecutor for the State invited my attention to order of the Division Bench of this Court passed in Criminal Application No.1209/2024 on 29.8.2024 filed by the present applicant along with others wherein directions are given to the trial court not to frame the charge. Thus, he submitted that the applicant cannot take advantage of the provisions when he himself responsible for delay in trial. It is the applicant who obtained the said order not to frame charge and, therefore, ground of delay in trial is not available to the applicant.

22. Thus, in view of above observations, a *prima facie* case is made out against the applicant. His involvement is in economic offence and consistent view is that socio-economic offences have deep-rooted conspiracies affecting moral fibre of the society and is causing irreparable harm which needs to be dealt with sternly and the economic offences constitute a class apart

and need to be visited with a different approach in the matter of bail.

23. In the light of the above and in view of a *prima face* case is made out against the applicant, the application deserves to be rejected and the same is **rejected**.

Application stands **disposed of**.

(**URMILA JOSHI-PHALKE, J.**)

!! BrWankhede !!