



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

CRIMINAL APPLICATION (BA) NO.123 OF 2025

Chetan s/o Krushanrao Bhonsle

Vs.

State of Maharashtra, through Police Station Officer, Bajaj Nagar, Nagpur
District Nagpur

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

Court's or Judge's orders

Mr. A. G. Hunge, Counsel for the applicant.
Mr. N. R. Rode, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 24/06/2025

1. The applicant came to be arrested on 14.09.2023 in connection with Crime No.243/2023 registered with Police Station Bajaj Nagar, Nagpur District Nagpur for the offence punishable under Sections 420, 406, 465, 468, 471 read with Section 34 of the Indian Penal Code.

2. The crime is registered on the basis of report lodged by Ashwin Wankhede on 03.08.2023 contending therein that one of the co-accused namely, Omkar Talmale inducing by stating that he is working as Senior Lab Incharge, in Regional Remote Sensing Center at Wadi, Nagpur which is collaboration with the ISRO and NASA center. Therefore, there is requirement of staff and he is having good terms with the officers of NASA and

ISRO and the help of them, he can provide a job to him if he pays Rs.2,00,000/-. Accordingly, the complainant has paid Rs.2,00,000/- and Rs.1,00,000/- is deposited in the account of Omkar Talmale from the bank account of maternal uncle of the complainant. It was further agreed that remaining Rs.1,00,000/- will be paid after joining. It is further alleged that like him, the applicant and the other co-accused obtained the amount from 22 person and cheated them. On the basis of the said report, police have registered the crime against the present applicant.

3. Heard learned Counsel for the applicant, who submitted that in fact, the present applicant is one of the victim, who has also paid the amount to the other co-accused. Now, the investigation is already completed and charge-sheet is already filed. As far as the custodial interrogation for the trial purpose is not required, in view of that, he be released on bail. In support of his contention he placed reliance on the decision of the **Satender Kumar Antil vs Central Bureau Of Investigation** reported in **(2022) 10 SCC 51**.

4. Per contra, learned APP strongly opposed the said application on the ground that 22 persons were duped in the similar way and not only the involvement of the present applicant is in obtaining the money, but forgery of the documents also. In

view of that, the application deserves to be rejected. It is further submitted that the amount involved in the present scam is more than 5 Crore 31 Lakhs and 111 victims came forward and their statements were recorded. Thus, considering the nature of the crime, the application deserves to be rejected.

5. On hearing both the sides and on perusal of the investigation papers, as far as the involvement of the present applicant is concerned, which reveals from the investigation papers. Admittedly, the involvement of the present applicant is in economic offence. This fact is considered by the Hon'ble Apex Court in the case of **Satender Kumar Antil** (referred supra) wherein the Hon'ble Apex Court has considered the aspect of grant of bail and it is observed that the gravity of the offence, the object of the Special Act, and the attending circumstances are a few of the factors to be taken note of, along with the period of sentence. After all, an economic offence cannot be classified as such, as it may involve various activities and may differ from one case to another. Therefore it is not advisable on the part of the court to categorise all the offences into one group and deny bail on that basis. By referring the decision of **P. Chidambaram v. Directorate of Enforcement**, reported in **(2020) 13 SCC 791** it is held that:

"Thus, from cumulative perusal of the judgments cited on either side including the one rendered by the Constitution Bench of this

Court, it could be deduced that the basic jurisprudence relating to bail remains the same inasmuch as the grant of bail is the rule and refusal is the exception so as to ensure that the accused has the opportunity of securing fair trial. However, while considering the same the gravity of the offence is an aspect which is required to be kept in view by the Court. The gravity for the said purpose will have to be gathered from the facts and circumstances arising in each case. Keeping in view the consequences that would befall on the society in cases of financial irregularities, it has been held that even economic offences would fall under the category of "grave offence" and in such circumstance while considering the application for bail in such matters, the Court will have to deal with the same, being sensitive to the nature of allegation made against the accused. One of the circumstances to consider the gravity of the offence is also the term of sentence that is prescribed for the offence the accused is alleged to have committed. Such consideration with regard to the gravity of offence is a factor which is in addition to the triple test or the tripod test that would be normally applied. In that regard what is also to be kept in perspective is that even if the allegation is one of grave economic offence, it is not a rule that bail should be denied in every case since there is no such bar created in the relevant enactment passed by the legislature nor does the bail jurisprudence provide so. Therefore, the underlining conclusion is that irrespective of the nature and gravity of charge, the precedent of another case alone will not be the basis for either grant or refusal of bail though it may have a bearing on principle."

6. Thus, the grant or refusal of bail lies within the discretion of the court. The grant or denial is regulated, to the extent, by the facts and circumstances of each particular case. By applying the same, in the present case, the involvement of the present applicant reveals in the crime, however, considering the fact that the investigation is completed and charge-sheet is filed and, therefore, the presence of the present applicant is not required in the custody. In view of that, the application deserves to be allowed. Accordingly, I proceed to pass following order:

ORDER

- (i) The application is allowed.
- (ii) The applicant **Chetan s/o Krushanrao Bhonsle** shall be released on bail in connection with Crime No.243/2023 registered with Police Station Bajaj Nagar, Nagpur, District Nagpur for the offence punishable under Sections 420, 406, 465, 468, 471 read with Section 34 of the Indian Penal Code, on executing PR bond in the sum of Rs.25,000/- with one solvent surety in the like amount.
- (iii) The applicant shall attend the concerned Police Station twice in a month on 1st and 15th of every month, till the culmination of trial.
- (iv) The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the case.

(v) The applicant shall not leave the jurisdiction of Nagpur district without prior permission of the District Court Nagpur.

(vi) The applicant shall attend the proceeding before the trial Court without seeking any exemption unless there are exceptional circumstances.

The application is disposed of.

(URMILA JOSHI-PHALKE, J.)