



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

CRIMINAL APPLICATION (ABA) NO.114 OF 2025

(Sudhir s/o Shyamlal Singh Baghel Vs. The State of Maharashtra thr. PSO PS
Mankapur, Nagpur)

CRIMINAL APPLICATION (ABA) NO.84 OF 2025

(Meenakshi w/o Sudhir Baghel Vs. The State of Maharashtra thr. PSO PS Mankapur,
Nagpur)

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

Court's or Judge's orders.

Mr. S. G. Karmarkar, Advocate for Applicant.
Ms. Sneha Dhote, APP for Non-Applciant/State.

CORAM: URMILA JOSHI PHALKE, J.

DATE: 4th MARCH, 2025.

1. Heard.
2. Apprehending the arrest at the hands of police in connection with Crime No.318/2024 registered with Police Station Mankapur, Nagpur for the offence punishable under Sections 406, 420 read with Section 34 of the Indian Penal Code, the applicant approached this Court for grant of pre-arrest bail.
3. The crime is registered on the basis of report lodged by Shubham Anil Chaudhari, who alleged that he got acquaintance with the co-accused Om Sudhir Baghel, who is the son of the present applicants who induced them to invest the amount as there would get the handsome returns on the investment. It is further alleged that the present applicants also asked them to invest the amount, and

therefore, he has invested the amount and subsequently it was the co-accused who has not returned the amount. On the say of the co-accused they have deposited some amount in the account of the present applicants. On the basis of the said report, police have registered the crime against the present applicants.

4. Heard learned Counsel Mr. Karmarkar for the applicants, who submitted that the entire allegations are levelled as to the inducement against the co-accused Om Sudhir Baghel. As far as depositing of the amount is concerned, it is not the case that the present applicants asked them to deposit the amount in their accounts. As far as the custodial interrogation is concerned which is not required as the informant and other investors consciously invested the amount on the promise of receiving the handsome returns. As far as the custodial interrogation is concerned which is not required. In view of that, they be protected by granting anticipatory bail.

5. Learned APP strongly opposed the said application and submitted that the applicants and the other co-accused all have induced the informant and other investors to invest the amount on promise of giving him handsome returns, and therefore, the informant as well as the other investors are invested the amount. Despite the notice is served under Section 35(3) of the Bharatiya Nyaya Sanhita, 2023. The applicants have not co-operated with the investigating agency. In view of that, the prayer for grant of anticipatory bail deserves to be rejected.

6. On perusal of the record and the submissions made by both the sides and the investigation papers it reveals that the allegations of inducement are against the co-accused. The investigation papers also shows that some amounts are deposited in the bank account of the present applicants but the recitals of the first information report and the various statements recorded during investigation shows that it was the co-accused Om Sudhir Baghel, son of the present applicants who induced them to invest the amount and accordingly they have invested the amount and deposited the amount in the account of the present applicants. Thus, considering the nature of the allegations the account statements are already produced on record which are collected during the investigation. Thus, the custodial interrogation of the present applicants are not required. In view of that, the applicants have made out a case for grant of anticipatory bail. Accordingly, I proceed to pass the following order.

ORDER

- (i) The application is allowed.
- (ii) In the event of the arrest, the applicants in connection with Crime No.318/2024 registered with Police Station Mankapur, Nagpur for the offence punishable under Sections 406, 420 read with Section 34 of the Indian Penal Code, the applicants shall be released on anticipatory bail on executing P.R. bond of

Rs.25,000/- each with one solvent surety in the like amount.

(iii) The applicants shall not induce, threat or promise any witnesses who are acquainted with the facts of the case.

(iv) The applicants shall attend the concerned police station once in a week i.e. on every Monday between 10:00 a.m. and 01:00 p.m. till filing of the charge-sheet and shall co-operate with the investigating agency.

(v) The applicants shall not leave the jurisdiction of the Nagpur City without the prior permission of the Chief Judicial Magistrate, Nagpur.

(vi) The applicants shall furnish the detail address along with the names of their relatives and their address along with the address proof.

(vii) The applicants shall furnish their cell phone number before the Investigating Officer.

7. Both these applications are disposed of.

(URMILA JOSHI-PHALKE, J.)