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

CRIMINAL APPLICATION (ABA) NO.178 OF 2025

(Vinda @ Vibha Kishore Meshram Vs. The State of Maharashtra thr. PSO Police Station Sadar, Nagpur)

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

Mr. S. P. Bodalkar, Advocate for Applicant.
Mr. M. K. Pathan, APP for Non-Applicant/State.
Mr. Rajnish Vyas, Advocate for Complainant.
Mr. A. S. Maohar, Advocate for Assist to Prosecution.

CORAM: URMILA JOSHI PHALKE, J.
DATE: 21st APRIL, 2025.

1. Heard.

2. Apprehending the arrest at the hands of police in connection with Crime No.133/2025 registered with Police Station Sadar, Nagpur, District Nagpur for the offences punishable under Sections 406, 409 and 420 read with Section 34 of the Indian Penal Court and under Section 3 of the Maharashtra Protection of Interest of Depositors (in Financial Establishments) Act, 1999 (MPID Act), the applicant approached this Court for grant of pre-arrest bail.

3. Heard learned Counsel for the applicant, who submitted that crime is registered against the present applicant and the other co-accused on the basis of report lodged by Shamdev Gajananrao Ghatole on an allegation that the present applicant and her husband induced them to invest the amount in Capitus Cekers Traders and Developers

LLP Kolhapur, accordingly, the informant has invested the amount and he was subsequently duped. It is further alleged that while the complainant various other investors have also invested the amount and they were duped. On the basis of the said report, police have registered the crime.

4. Learned counsel for the applicant invited my attention towards the complaint which is addressed to the Deputy Commissioner of Police, Economic Offence Wings, Nagpur which is lodged by the husband of the present applicant. He also invited my attention towards the communication by the Assistant Police Inspector, Economic Offence Wings disclosing that the investors have to approach to the appropriate authority at Kolhapur for lodging the report, wherein it is specially mentioned that the investors have invested the amount at their own in the company by depositing the amount directly in the account of the company. He submitted that as far as the present applicant is concerned, who is also one of the investor have invested the amount Rs.69,00,000/-, as she is also on the same footing like the other investors. As far as the custodial interrogation is concerned, which is not required. He further submitted that after understanding the scheme the investors have the invested the amount. He also invited my attention towards the whats-app chat of the informant which shows that the informant was keen interested in investing the amount and therefore, he was asking the present applicant for the details and also bringing the other process and therefore, if the present applicant is held liable for the

inducement that the informant has also induced the other persons. In view of that, the custodial interrogation of the present applicant is not at all required and therefore, she be protected by granting anticipatory bail.

5. Learned APP and learned counsel for the complainant and various investors strongly opposed the said application and submitted that the applicant was actively involved in the inducement and on her inducement the complainant as well as the other investors have invested the amount, they have invited my attention towards various properties shows that it was the present applicant who was holding the seminars, brochures and pamphlets also showing her name and she was holding the seminars and various investors have invested the amount. Considering that huge amount is invested and the stake of the misappropriation of the amount is huge one her custodial interrogation is required.

6. Learned counsel for the one of the investors Mr. Manohar has pressed reliance on the decision of the Hon'ble Apex Court in the case of ***Serious Fraud Investigation Office v. Aditya Sarda 2025 SCC Online 764***, wherein the Hon'ble Apex Court has observed that ordinarily arrest, is a part of a procedure of the investigation to secure not only the presence of the accused but several other purposes. Power under Section 438 Cr.P.C. is an extraordinary power and the same has to be exercised sparingly. The privilege of the pre-arrest bail should be granted only in exceptional cases. The judicial discretion

conferred upon the court has to be properly exercised after application of mind as to the nature and gravity of accusation; possibility of the applicant fleeing justice and other factors to decide whether it is a fit case for grant of anticipatory bail.

7. After hearing both the sides and on perusal of the investigation papers it reveals that the allegation against the present applicant is that she and her husband were holding the seminar and they are asking the investors to join the currency trading and masters course by contacting the present applicant. Thus, as far as the involvement of the present applicant as to the asking the various persons to invest the amount reveals from the investigation papers. The investigation papers proper shows that the said scheme was explained to the investors and thereafter the investors have invested the amount. It is apparent that the investors were attracted by promising them there are various promising scheme and handsome returns and thereafter they have invested the amount. The whats-app communication which is placed on record also sufficiently shows that informant was also at the various persons by communicating with them to invest the amount. Thus, it is apparent that after understanding the entire scheme, the investors have invested the amount. As far as the present applicant is concerned but allegation is to the extent that she was part of the seminar which were hold and was inviting the various process to invest the amount. There is no dispute as far as the legal provision is concerned that the

power under Section 438 of Cr.P.C. being an extraordinary remedy which is to be exercised sparingly. It is also not in dispute that economic offences constitute a class apart and need to be visited with a different approach in the matter of bail. The economic offences having deep-rooted conspiracies and involving huge loss of public funds need 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. However, agree case is to be disbursed and it is to be appreciated on the facts and circumstances of the case. As far as the present applicant is concerned who was working for the A S Traders and Developers LLP, Kolhapur and Capitus Cekers Traders and Developers LLP, Kolhapur and the allegation against her as she was explaining the scheme and holding the seminar and investors have attending the same and thereafter invested the amount. Thus, considering the same it reveals that the investors have invested the amount after understanding the scheme and as there was handsome returns from the scheme. As far as the custodial interrogation is concerned which is not required the part of interrogation which can be taken care of by imposing certain conditions on the present applicant. In view of that, the application deserves to be allowed. Accordingly, I proceed to pass following order:

<u>ORDER</u>

(i) The application is allowed.

(ii) The applicant Vinda @ Vibha Kishore Meshram shall be released on anticipatory bail in the event of the arrest in connection with Crime No.133/2025 registered with Police Station Sadar, Nagpur, District Nagpur for the offences punishable under Sections 406, 409 and 420 read with Section 34 of the Indian Penal Court and under Section 3 of the Maharashtra Protection of Interest of Depositors (in Financial Establishments) Act, 1999 (MPID Act) on executing P.R. Bond of Rs.1,00,000/- with one solvent surety of the like amount.

(iii) The applicant shall attend the Economic Offence Wings at Nagpur twice in a week on Monday and Thursday between 10:00 a.m. to 01:00 p.m. and shall co-operate with the investigating agency.

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

(v) The applicant shall surrender her passport if she is having before the Investigating Agency.

(vi) The applicant shall not deal with her property in any manner, till the conclusion of the trial.

(vii) The applicant shall not leave the jurisdiction of the Nagpur City without prior permission of this Court.

(viii) The applicant shall furnish her detail address along with the address proof and names of her two relatives along with address proof.

(ix) A single violation of any condition would lead to the cancellation of bail.

8. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)

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