



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

CRIMINAL APPLICATION (ABA) NO. 212 OF 2025

Om s/o Sudhir Baghel Vs State of Maharashtra

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. S.G. Karmarkar, counsel for applicant.

Mrs. Swati Kolhe, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 04/04/2025.

1. Apprehending the arrest at the hands of police in connection with Crime No. 318/2024 registered with Police Station Mankapur, District Nagpur for the offence punishable under Sections 406, 420 read with Section 34 of the Indian Penal Code, 1860, the applicant approached this Court for grant of pre-arrest bail.

2. The informant, Shubham Choudhary, lodged a report at Police Station Mankapur stating therein that, he got acquaintance with applicant Om Baghel, who induced him to invest an amount in Share Market by saying that he would get handsome returns on the investment. Furthermore, the father and mother of the present applicant induced him to invest. Similarly, the applicant induced the friends and relatives of the informant to invest in the Share Market with promise that they would get a higher return. Accordingly, on such inducement, the informant, his relatives, and his friends

had transferred the amount into account of present applicant as well as the account of his parents. The total amount of Rs. 30,52,000/- was paid by the applicant, his friend, and relatives. Out of which Rs. 2,00,000/- was repaid by the applicant, and the remaining amount is not refunded and thus, the informant is duped by the present applicant. 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 the amount obtained was a hand loan. Out of the said amount, the applicant has already repaid some amount. As far as the custodial interrogation is concerned, which is not required, and he is ready to cooperate with the investigating agency, therefore he be released on bail.

4. He placed reliance on the decision of Principal Seat at Bombay in the case of *Mr. Bhumik Gada and another Vs the State of Maharashtra and another (Anticipatory Bail Application No. 58/2020 decided on 25/01/2022)* and submitted that in the similar set of facts, this Court at Principal Seat has considered the bail application and release the applicant on anticipatory bail, in view of that, the application deserves to be allowed.

5. Learned APP strongly opposed the said application and submitted that, the applicant entered into the memorandum of understanding, and the said memorandum of understanding is collected by the investigating officer during the investigation. She

submitted that, the amount was obtained by the present applicant on the promise that he would invest it in the share market. There is no document on record to show that either he is working as a broker or sub-broker in the share market. Thus the amount itself is obtained on the false promise, and therefore, the custodial interrogation of the present applicant is required.

6. After hearing both sides and on perusal of the investigation papers, it reveals that the allegation against the present applicant is that, he represented to the informant and his relatives that if they invest the amount in the share market, they would get the handsome returns and obtained the amount in his own account. The account statements are collected during the investigation, which also shows substantiate the said amount. The WhatsApp chat, which is also collected during the investigating agency sufficiently shows the involvement of the present applicant as to the inducement and obtaining the money. Thus, as far as the merits of the matter is concerned, the involvement of the present applicant reveals.

7. On perusal of the reasoning given by this Court in the case of ***Mr. Bhumik Gada and another referred (supra)***, it reveals that, in the said matter, the applicant No.2 was a sub-broker and dealing in share transactions. As far as the present applicant is concerned, there is no document on record to show that the applicant

was dealing in a share transaction or working as a broker or sub-broker.

8. Thus, considering the distinguish facts in this case, the application of the present applicant deserves to be rejected, as prima-facie case is made out. Accordingly, I proceed to pass the following order:

ORDER

a] The criminal application is **rejected**.

[URMILA JOSHI-PHALKE, J.]