2025:BHC-NAG:7449

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

CRIMINAL APPLICATION (BA) NO.380 OF 2025

(Kunal @ Krunalkant Bharatlal Sarwari 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

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Mr. A.H. Joshi, Advocate for the applicant.
Mrs. H.N. Prabhu, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- JULY 28, 2025.

By this application, the applicant is seeking bail as he came to be arrested on 13/05/2024 in connection with Crime No.177/2024 registered at police station Ganeshpeth, Nagpur for the offences punishable under Sections 420, 406, 465, 467, 468, 471, 120-B, 384, 386 and 506 read with Section 34 of the Indian Penal Code, 1860.

2. The crime is registered on the basis of report lodged by the informant Tanba Kawaduji Indurkar on an allegatio that the co-accused Vaishali Vishwanath Shettigar (Vaishali Sudarshan Annewar) with the other co-accused has the conspiracy and had lured various investors on the pretext of providing the jobs to the relatives in Income Tax department and on the pretext of giving handsome returns to the investors. Since, 2018 to 2023 the present applicant and the other co-accused on various occasions for some or the other reasons taken from the complainant either in cash or through online transfer and duped him for Rs.3,17,00,000/-. On the basis of the said report, police

have registered the crime against the present applicant.

3. Learned Counsel for the applicant submitted that in fact the present applicant is also a victim at the hands of the co-accused. He also invited my attention towards the screenshots and submitted that most of the amount to tune of Rs.2,50,500/- is already deposited from the account of the present applicant to the account of the co-accused Vaishali. He submitted that as far as the present applicant is concerned, only it is alleged that he has edited the receipts which was sent to him by the co-accused. Except that no other allegations is levelled against the present applicant. He submitted that in fact, he has not received any pecuniary gain, his further incarceration is not required. He is already behind the bar for more than one year. In view of that, he be released on bail.

4. Learned APP strongly opposed the application and submitted that considering that the present applicant was throughout the entire transaction along with the co-accused he has assisted the co-accused in all the way and also edited the receipts which are sent by the co-accused to him by using his laptop. There is money transaction between the present applicant and the other co-accused. The present applicant has received the amount and subsequently he has transferred the same to the co-accused and he has received the amount from the complainant also. Thus, for all above reasons his involvement reveals, and therefore, considering the fact

that his involvement in the economic offence, the application deserves to be rejected.

5. I have heard learned Counsel for both the sides and on perusal of the investigation papers it reveals that the allegation against the present applicant is that he has assisted the other co-accused and obtained the money from the various investors including the complainant and subsequently that amount was transferred to the account of the co-accused. Thus, it is apparent that the present applicant's account was used for transferring the amount by obtaining the same from the investors as well as from the complainant and subsequently transferring the same to the account of the other co-accused. The another allegations levelled against the present applicant is that the co-accused has sent him some receipts and he has edited it and thereafter again resend it to the other co-accused. As far as the allegation regarding the demand of money and accepting the amount from the complainant and the other investors is against the co-accused i.e. Vaishali who has promised for the job as well as obtained the investments by promising handsome returns. During investigation the Investigating Officer has collected the mobile details and the transactions which took place between the present applicant and other co-accused Vaishali. The investigation papers further reveals that some of the amount is already re-transferred by the present applicant to the account of the co-accused Vaishali. Thus, though the involvement of the present

applicant reveals in the above said crime, but the investigation papers reveals that some of the amount is already re-transferred by the present applicant to the account of the other co-accused. Admittedly, now investigation is completed, charge-sheet is already filed. Though the involvement of the present applicant reveals in the crime and it also reveals that he has received some pecuniary gain out of the said transaction and now the investigation is already completed.

6. In view of the observation of the Hon'ble Apex Court in the case of **Satender Kumar Antil Vs. Central Bureau of Investigation, [(2022) 10 SCC 51]** in para No. 90 held that :

> *"90. What is left for us now to discuss are the economic offences. The question for consideration is whether it should be treated as a class of its own or otherwise. This issue has already been dealt with by this Court in the case of* ***P. Chidambaram v. Directorate of Enforcement, (2020) 13 SCC 791****, after taking note of the earlier decisions governing the field. 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. Suffice it to state that law, as laid down in the following judgements, will govern the field."

7. In view of the above observation and now the investigation is completed, the applicant has made out a case for grant of bail. Accordingly, I proceed to pass the following order:

(i) The application is allowed.

(ii) The applicant – Kunal @ Krunalkant Bharatlal Sarwari in connection with Crime No.177/2024 registered at police station Ganeshpeth, Nagpur for the offences punishable under Sections 420, 406, 465, 467, 468, 471, 120-B, 384, 386 and 506 read with Section 34 of the Indian Penal Code, 1860, be released on bail on executing P.R. bond of Rs.1,00,000/- 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 day of every month, till the culmination of the trial and shall cooperate with the investigating agency.

(iv) The applicant shall not leave the jurisdiction of Nagpur city without prior permission of the District Court, Nagpur.

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

(vi) The applicant shall surrender his passport if he is having before the trial Court.

(vii) The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the case in any manner either personally or by way of electronic media.

(viii) The applicant shall not indulge himself in similar type of the activities. A single registration of the offence would lead to the cancellation of bail.

8. The contravention of any of the condition imposed by this Court, would lead to the cancellation of bail.

9. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)

**Divya*