



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

CRIMINAL APPLICATION(ABA) NO. 340 OF 2025

Sandip Jivandhar Mahajan Vs. State of Maharashtra and anr.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr.M.I.,Dhatrak, counsel for the applicant.
Ms.Mrunal Barabde,APP for the State.
Mr. Y.V.Nayyar, counsel for the intervenor/objector.

CORAM : MRS. VRUSHALI V. JOSHI, J.

DATE : 18/12/2025

1. The applicant is apprehending his arrest in connection with Crime No.455 of 2024, registered with Police station Ajani district Nagpur for the offence punishable under Sections 420,406 of the Indian Penal Code.

2. The complainant who is the builder, has lodged the complaint against this applicant that on 05.08.2022 one Rupali More had brought the present applicant to meet with informant. Thereafter, the applicant gave his introduction to the informant and told that, he will give CSR fund of Rs.10 crores to invest in real estate in informant's Private Limited. It was decided that, the profit earned from this investment will be divided 50% - 50% between them for that purpose the applicant asked the informant to give him Rs.40 lacs which he will return in 15 days. The informant believing his

words paid the amount. The applicant even after 15 days did not return his amount. He advances the reason of technical difficulty for the delay in CSR fund and again asked informant to give more Rs.25 lacs to which the informant was not ready but he was convinced by his friends Chetan and Ritu therefore, he paid the amount to the applicant on 26.05.2022. Again, the demand was made for Rs.9 lacs which was paid by the informant on 21.09.2022. Thus, the total amount paid by the informant to the applicant is Rs.74 lacs. Thereafter, the applicant for one or another reason did not pay the amount and only gave an assurance of payment. The informant came to know that he has been cheated at the instance of applicant accordingly the crime is registered.

3. The learned counsel for the applicant has stated that the applicant has received the amount out of which he has returned the amount of Rs.30,75000/-. The applicant has stated that the applicant still is having friendly relations with the complainant and has given some gold ornaments in the marriage of the daughter of the complainant and said amount is deducted from the amount which he has received. It is further argued that now the charge-sheet is filed. The investigation is completed. The applicant was on interim protection and has attended the police station regularly. The custodial interrogation for recovery of further amount is not required. He is ready to return the amount which he has

taken from the complainant. Hence, prayed to protect him by confirming the order dated 16.05.2025.

4. The learned APP has opposed the application stating that though he has attended police station the allegations which are made against this applicant are about cheating the complainant, therefore the custodial interrogation is necessary.

5. The complainant has filed the application to assist the prosecution and has stated that the complainant after filing the charge-sheet has filed Writ Petition before this Court to add the other persons, who are shown as the witnesses in the charge-sheet as an accused. The writ petition is disposed of with a direction to avail the remedy in accordance with law, including remedy under Section 199 of BNSS. The learned counsel for the applicant has stated that only the promise to return cannot be the ground to protect the applicant. Applicant has cheated this complainant by taking huge amount and by giving assurance of CSR. The custodial interrogation of this applicant is necessary. His whereabouts are not known to anybody and he is not available to the complainant or any person. Hence prayed to reject the application.

6. Heard both the sides and perused the record.

7. It appears from the perusal of the FIR that the monitory transaction is there between the applicant and the first informant. Though he has made allegations and has

opposed the application to protect the applicant. It appears that he is having cordial relations as he has given some amount for purchasing gold ornaments. The legal notice is also issued for filing the civil suit. Considering the allegations against this applicant as the charge-sheet is filed and the investigation is completed and also the petition filed by the first informant is already disposed of, custodial interrogation of this applicant is not necessary. The direction is given to the applicant to give his correct address on affidavit in the concerned police station.

8. Considering the allegations made against this applicant, the interim protection granted on 16.05.2025 needs to be confirmed on the same terms and conditions.

Hence, the following order-

- i] The application is allowed.
- ii] The order dated 16.05.2025 granting ad-interim anticipatory bail is confirmed.
- iii] The application stands disposed of.

JUDGE