



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

CRIMINAL APPLICATION (ABA) NO.344 OF 2025

Shrikant s/o Suresh Gawande and another
Vs.

State of Maharashtra, through Police Station Officer, Old City Akola and
another

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

Court's or Judge's orders

Mr. A. M. Jaltare, Counsel for the applicants.
Ms. Sneha Dhote, APP for non-applicant /State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 08/07/2025

1. Apprehending the arrest at the hands of police in connection with Crime No.176/2025 registered with Police Station Old City, Akola, District Akola for the offence punishable under Sections 318(4), 316(2) of the Bharatiya Nyaya Sanhita, 2023, the applicants approached to this Court for grant of bail.

2. The report is lodged on the basis of the complaint filed by Manish Wamanrao Thotange on an allegation that the applicants induced him to part with the various amounts totaling Rs.20,00,000/-, out of which 90,000/- were repaid by the applicants herein. During the investigation, on the basis of the complaint received by the investigating agency, it reveals that there was a transaction between the

present applicants and the complainant. It is also revealed that some amount was transferred to the account of the present applicants which they have used for their own benefits. On the basis of the said report, police have registered the crime against the present applicant.

3. Heard learned Counsel for the applicants, who submitted that as far as the allegations are concerned, which are not substantiated by any material. With the baseless allegation, the applicants are arraigned as an accused. He invited my attention towards the recitals of the FIR and submitted that even accepting the allegation as it is, no offence is made out against the present applicants and therefore, they be protected by granting anticipatory bail.

4. Learned APP strongly opposed the said application and submitted that during the investigation, it revealed that applicants entered into an agreement with the informant, obtained the money from him by luring him and thereafter, he was insisted to deposit the amount in their account and the said amount was withdrawn by them and used of their own benefit. The similar types of complaints are received from the other investors also and it reveals during the investigation that with the same *modus operandi* the amount is received from the other

investors also, therefore, the custodial interrogation of the present applicants is required.

5. On hearing both sides and on perusal of the investigation papers, it reveals that the applicant and the informant and the various investors entered into an agreement and out of that agreement, they have agreed to invest the amount and accordingly, they have invested the amount. As they have not received the returns of the said amount, therefore, this complaint came to be lodged. As far as the custodial interrogation of the present applicants is concerned, it reveals that they have already attended the concerned Police Station and cooperated with the investigating agency. Admittedly, the other complaints are also filed, but it also reveals that after entering into an agreement the investors are entered into investing the amount, therefore it reveals that the investors have knowingly and after understanding the scheme have invested the amount. As far as the custodial interrogation for the purpose of recovery is concerned, this proceeding is for grant of anticipatory bail and in anticipatory bail, the aspect of recovery cannot be taken into consideration. Thus, considering the fact that now the investigation is already in progress and the applicant is cooperating with the investigating agency, his custodial interrogation is not required. In view of that, the application deserves to be allowed. Accordingly, I proceed to pass following order:

ORDER

- (i) The application is allowed.
- (ii) The interim protection granted to the present applicants by order dated 19.06.2025 is hereby confirmed on the condition that the applicants shall attend the concerned Police Station once in a week on Monday between 10.00 a.m. to 1.00 p.m. and shall cooperate with the investigating agency.
- (iii) The applicants shall not induce, threat or promise any witnesses who are acquainted with the facts of the case.

The application is disposed of

(URMILA JOSHI-PHALKE, J.)