



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

CRIMINAL APPLICATION (BA) NO. 980 OF 2024

Jagan @ Jaggu Ramchandra Narkhede 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. R.D. Karode, counsel for applicant.

Mr. N.B. Jawade, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 08/05/2025.

1. The applicant came to be arrested on 21/12/2023 in connection with Crime No. 600/2023 registered at Police Station Malkapur City, District Buldhana for the offence punishable under Sections 406, 420 read with Section 34 of the Indian Penal Code, 1860.

2. The crime is registered on the basis of a report lodged by Atul Madhukar Patil, alleging that he has some agricultural land and other land that he takes on rent for the purpose of cultivation and yields cotton in the said agricultural field and used to sell the same, earning money for the purpose of his livelihood. One of the agents and the present applicant contacted him and told him that the rate of the agricultural produce is Rs. 7,500-7,800 per quintals, however, the applicant is ready to purchase the same for Rs. 9000 /- per quintal. The complainant was induced and lured to sell the cotton to the present applicant, to which they ultimately agreed. Some amount was paid to him by the applicant however, the other amount is not paid.

Similarly, the other agriculturists were also induced and lured, and the cotton was shown to be purchased from them, but no consideration amount was paid, and thus they were duped by the present applicant and other co-accused.

3. Heard learned counsel for the applicant, who submitted that now the investigation is already completed and charge-sheet is already filed. He also invited my attention towards various statements, i.e. Vijay Narayan Kinge and others, and submitted that the allegation is not against the present applicant but allegation against Neena Purushottam Khapote, who allegedly purchased the cotton from them. Thus, he submitted that as far as the present applicant is concerned, he is not connected with the alleged offence.

The learned counsel further invited my attention to his wife's statement, highlighting that the seized properties are his pre-existing assets, not purchased from the alleged misappropriated amount. Thus, further custodial interrogation of the present applicant is not required. In view of that, the applicant be released on bail.

4. The leaned APP vehemently opposed the said application, contending that the applicant has concealed his criminal antecedents by making a false declaration about having no previous criminal cases against him. He submitted that, in fact, five offences are registered against the present applicant, which are similar in nature, and this fact is concealed by the present applicant.

5. On merits, his submission is that the modus operandi of the present applicant is that he used to purchase the cotton with the help of their agents, and the agents were paid commission and the agriculturist were paid only Rs.1000/- and the rest of the amount was siphoned and misappropriated by the present applicant.

6. He submitted that the present applicant has purchased various properties by siphoning the said amount. He invited my attention towards the summary of the charge-sheet, wherein it is mentioned that the present applicant has purchased a land of Rs. 70,00,000/- admeasuring 4 acres from the said misappropriated amount at Bhalegaon. He has also purchased another property at Malkapur worth Rs. 26,53,000/-. The other two shops were purchased by him for the consideration of Rs. 23,00,000/-. Thus, he has used this bank receipt for his own gain. He further submitted that the applicant's entire course of conduct and modus operandi disclose his intentions right from the outset.

7. He also invited my attention towards the various statements of the agents also, which show that they were asked to collect the cotton from the agriculturist on the promise of paying the commission. The statement of Vinayak Namdeo Garmone substantiates the same. Thus, he submitted that the poor agriculturists who had manufactured or produced the said cotton were duped by the present applicants gave them a meager amount. Thus,

considering the prima-facie material, the application deserves to be rejected.

8. Learned APP also placed reliance on the decision of the Hon'ble Apex Court in the case of ***Munnesh Vs State of Uttar Pradesh in Special Leave to Appeal (Crl.) No(s). 1400/2025, decided on 03/04/2025***, wherein it is observed by Hon'ble Apex Court that a growing trend is being noticed of individuals, seeking from this Court the concession of bail or concession of protection from arrest, not disclosing in the special leave petitions their involvement in other criminal cases. In such cases where involvement is not disclosed, on a prima-facie satisfaction that long incarceration without reasonable progress in the trial is invading the right to life of the accused or that the offences for which the FIR has been registered are not too serious, notices are issued and only thereafter, information of criminal antecedents is being provided in the counter affidavits filed by the respective respondents-States, as in the present case. The result is that this Court, being the apex court of the country, is being taken for a ride. This Court has shown leniency in the past but we think it is time that such state of affairs is not allowed to continue further.

9. Learned APP further submitted that similar is the fact before this Court also, the applications are filed by the respective accused persons without disclosing the criminal antecedents, and even after filing of the reply, the said criminal antecedents are not disclosed by the applicants

in various applications, and this fact is to be handled with stern hands. He submitted that for all the above reasons, the application deserves to be rejected.

10. Before addressing the facts of the present case, initially the applicant showed his willingness to deposit the amount of Rs. 5,00,000/- and therefore, he was permitted to deposit the amount of Rs. 5,00,000/-, and the matter was kept today, i.e. on 08/05/2025.

11. Learned APP has pointed out that the applicant has made a specific statement that there are no criminal antecedents against him, and he is not involved in any other crime. He has pointed out that he filed the reply before this Court on 21/10/2024. However, thereafter also, no statement has been made by way of affidavit by the present applicant that either inadvertently, he has not mentioned the same or any explanation behind not mentioning the said antecedents.

12. Coming to the facts of the case, the allegation against the present applicant is that he has purchased the cotton with the help of the various agents by promising the agriculturist that they would get Rs.9000/- per quintal. However, with the help of the agents, he has purchased the said cotton, sold it to the various ginning mills, and obtained the money from the said ginning mills towards the consideration amount and paid only Rs.1000/- per quintal to the agriculturist. He has also accumulated the various properties out of the said misappropriation. The summary of

the charge-sheet gives the details about the properties purchased by the present applicant by misappropriation of the said property. The statements of the agents who work for the present applicant also disclose that they have to sell their property to pay some of the amount to the agriculturist, as the present applicant has not paid the amount. The statement of the witnesses further shows the manner in which the alleged offence committed by the present applicant. Thus, the modus-operandi of the present applicant is revealed from the various statements of the witnesses.

13. It is submitted by learned counsel for the applicant that the properties are seized by the investigating agency. He also pointed out that, in one of the cases, he has already been acquitted. Even keeping aside the Session Case No. 01/2022, there are still two cases pending against the present applicant, and the statement about the same is not furnished before this Court by the applicant. Admittedly, this is a concealment of the fact, and therefore, in view of the observations made by the Hon'ble Apex Court that a growing trend is being noticed before this Court also, that though the applicants/accused are filing an application not mentioning their criminal antecedents or making a false statement that there are no criminal antecedents. After filing of the reply also, no explanation is coming forth before the court as to why the statement was not made as to the criminal antecedents. Thus, this conduct is to be taken very seriously. It is a concealment of the fact. On this ground

itself, the application of the present applicant deserves to be rejected. Moreover, the three witnesses are already examined, and the trial has already commenced; hence, the application deserves to be rejected.

14. Moreover, as observed by the Hon'ble Apex court in the case of *X Vs State of Rajasthan and another reported in Special Leave Petition (Criminal) No. 13378 of 2024 dated 27/11/2024*, that ordinarily in serious offences like rape, murder, dacoity, etc., once the trial commences and the prosecution starts examining its witnesses, the Court be it the Trial Court or the High Court should be loath in entertaining the bail application of the accused.

15. Here also, the involvement of the present applicant is in economic offence, and several agriculturist were duped by the present applicant by purchasing their cotton and not paying the amount. The hard-earned money of the agriculturist is not paid to them.

16. Thus, considering all these aspects, the application of the present applicant deserves to be rejected. Accordingly, I proceed to pass the following order.

- a] The criminal application is **rejected**.
- b] The applicant is permitted to withdraw the amount of Rs. 5,00,000/- that he has deposited by way of a demand draft.

[**URMILA JOSHI-PHALKE, J.**]