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

CRIMINAL APPLICATION (BA) NO. 1039/2024

Achyut Vinayak Wakde
Vs.
The State of Maharashtra

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

Mr. Anil Mardikar, Sr. Advocate a/b. Mr. S. K. Bhandarkar, Advocate for the Applicant.
Ms T. H. Udeshi, A.P.P. for the Non-applicant/State.

CORAM : MRS.VRUSHALI V. JOSHI,J.
DATED : 13/11/2025.

. Heard.

2. The applicant is arrested in connection with Crime No.669/2023 registered with Police Station, Sadar, District Nagpur for the offences punishable under Sections 120-B, 381, 409, 411, 413, 418, 420, 467, 468, 471, 477-A of the Indian Penal Code.

3. The crime is registered against the clerk of the Maharashtra Accidents Claim Tribunal. There is a misappropriation of huge amount. The complaints were made by the claimants that they have not received the compensation amount in their accounts. During inspection by the High Court, it was found that the amount was misappropriated. The applicant is one of the accused. Accused No.9 is Apex Trading Company. The applicant is the proprietor of the said Company. In the account of said Apex Trading a huge amount of 20,00,00,000/- (Rs. Twenty Crores) was deposited. The amount was deposited directly through Treasury in his account and it was withdrawn by accused No.1.

4. The learned Senior Counsel Mr. Anil Mardikar for the applicant has stated that, accused No.1 is the friend of the applicant. He was not knowing as to why accused No.1 is using his account. The amount was transferred in his account and accused No.1 has withdrawn it. The offences are registered against accused No.1. The applicant is not concerned with the said offences.

5. It is argued that the offence under Section 411 of the Indian Penal Code will be attracted against this applicant in case of the acceptance of stolen property. As per Section 410 of the Indian Penal Code, the misappropriation comes under the definition of 'Stolen Property' and therefore, the offence under Section 411 will be attracted against the applicant, which provides the punishment of three years. Since last two years, the applicant is in jail. There is no any active participation or the other offences which are registered against the accused No.1 will not be attracted against this applicant. The account in which the amount was received is freezed. Therefore, further custody of this applicant is not required. Hence, prayed to release the applicant on bail.

6. The learned A.P.P. raised an objection that there is suppression of fact, though the crimes are registered against this applicant, it is not disclosed and the incorrect statement is made that no crime is registered against this applicant.

7. It is submitted by the learned A.P.P. that eleven offences are registered during the period from 23.05.2012 to 05.07.2023. The applicant is involved in three crimes. The applicant has not given any explanation why said

crimes are not disclosed. The bank statement, which is filed on record shows that the amount was withdrawn by the Company which is run by the daughter and son of accused No.1. The circle is complete to show the involvement of this applicant in crime as amount is deposited in his account and withdrawn by accused No.1. The applicant has permitted different accused persons to withdraw the amount from his account. In such a situation, the offence under Section 120-B of the Indian Penal Code will be attracted. As the other offences which are registered against accused No.1 are punishable up to life, the offence of conspiracy will be established against this applicant. Hence, prayed to reject the application.

8. Heard the learned Counsel for the applicant and the learned A.P.P. for the State. Perused the record.

9. The applicant has relied on the judgment of the Hon'ble Apex Court in the case of *P. Chidambaram Vs. Directorate of Enforcement* **[(2020) 13 SCC 791**, wherein it is observed in paragraph No.23 as under :

> *"23. Thus, from cumulative perusal of the judgments cited on either side including the one rendered by the Constitution Bench of this Court, it could be deduced that the basic jurisprudence relating to bail remains the same inasmuch as the grant of bail is the rule and refusal is the exception so as to ensure that the accused has the opportunity of securing fair trial. However, while considering the same the gravity of the offence is an aspect which is required to be kept in view by the Court. The gravity for the said purpose will have to be gathered from the facts and circumstances arising in each case. Keeping in view the consequences that would befall on the society in cases of financial irregularities, it has been held*

that even economic offences would fall under the category of "grave offence" and in such circumstance while considering the application for bail in such matters, the Court will have to deal with the same, being sensitive to the nature of allegation made against the accused. One of the circumstances to consider the gravity of the offence is also the term of sentence that is prescribed for the offence the accused is alleged to have committed. Such consideration with regard to the gravity of offence is a factor which is in addition to the triple test or the tripod test that would be normally applied. In that regard what is also to be kept in perspective is that even if the allegation is one of grave economic offence, it is not a rule that bail should be denied in every case since there is no such bar created in the relevant enactment passed by the legislature nor does the bail jurisprudence provides so. Therefore, the underlining conclusion is that irrespective of the nature and gravity of charge, the precedent of another case alone will not be the basis for either grant or refusal of bail though it may have a bearing on principle. But ultimately the consideration will have to be on case-to-case basis on the facts involved therein and securing the presence of the accused to stand trial."

10. Though it is posed that it is a simplicitor offence of receiving stolen property which is punishable under Section 411 of the Indian Penal Code. Punishment is for three years only; on perusal of the record it appears that huge amount of claimants was transferred in the account of this applicant. The amount was transferred directly through Treasury in the account of this applicant and the applicant has not objected to the same and allowed to withdraw the said amount by the other co-accused, which clearly shows his involvement and the conspiracy between

him and accused No.1, who is the main accused. It can not be termed as the applicant was not vigilant when he received the huge amount in his account. Three offences are registered against him. The learned A.P.P. has pointed out about incorrect statement made by the applicant about no criminal antecedent. The applicant while replying to this issue has stated that it is out of the same transactions, the misappropriation started from 23.05.2012 to 05.07.2023 i.e for 11 years, the period is bifurcated and the First Information Reports are lodged. Therefore, though the First Information Reports are registered against this applicant, it is out of same transaction and therefore, it is not mentioned. However, it appears that there is no explanation about it and, the applicant has made bold statement that no crime is registered against him though three crimes are already registered against him. As per the directions of the Hon'ble Apex Court, it is mandatory to disclose the antecedents.

11. Considering the involvement of this applicant in said crime, it is not the case to release the applicant on bail. Hence, the application is rejected.

(MRS. VRUSHALI V. JOSHI, J.)