



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

CRIMINAL APPLICATION (ABA) NO. 821 OF 2024

Sanjay s/o Devaji Handekar 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. V.R. Borkar, counsel for applicant.

Mr. Anant Ghongare, APP for non-applicant/State.

Mr. Niwruutti P Meshram, counsel for Assist to Prosecution.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 31/07/2025.

1. Apprehending the arrest at the hands of police in connection with Crime No.303/2024 registered with Police Station, Lakhandur, District Bhandara for the offence punishable under Sections 420, 417, 406 and 120-B of the Indian Penal Code and Sections 3 and 4 of the Maharashtra Protection of Interest of Depositors (In Financial Establishment) Act, 1999 and Sections 21 and 22 of the Banning of Unregulated Deposit Schemes Act, 2019.

2. The applicant is apprehending the arrest at the hands of police, as crime is registered against him on the basis of a report lodged by Aviraj Jagan Sawarkar, alleging that he got acquaintance with the co-accused, Kailash Shaymrao Landge, who informed him about the Infinity Empire Trading Company, wherein the present applicant was also one of the

directors. It is alleged that they have induced him to deposit the amount in the scheme on a promise of getting the handsome returns. Initially, some returns are received by him, but suddenly the company was closed, and he has lost his invested amount. Thus, he is duped by the present applicant as well as the other co-accused. On the basis of the said report, police have registered the crime during the investigation. It was revealed that more than 300 investors were duped in a similar manner, and therefore, the crime is registered against the present applicant and the other co-accused.

3. Heard learned counsel, Mr. V.R. Borkar for the applicant, who submitted that as far as the custodial interrogation of the applicant is concerned, the applicant has cooperated with the investigation and also produced his gadgets before the investigating officer. He is cooperating with the investigating agency. He submitted that as far as the investigation part is concerned, his physical custody is not required. He has also repaid some amount, and therefore, considering this aspect, the interim protection granted to the applicant be confirmed.

4. Learned APP and learned counsel for the complainant strongly opposed the said application on the ground that, considering the huge magnitude of the investment amount and the number of various investors, the application deserves to be rejected, as the

involvement of the present applicant is the economic offence. He submitted that as far as the custodial interrogation is concerned, which is required to ascertain the fact as to the exact role of the present applicant.

5. After hearing both sides and on perusal of the investigation papers, it reveals that the complainant has invested the amount of Rs. 5 Lakhs to the applicant, and he has received the total amount of Rs. 63,65,118/- in his account and the account of his wife and daughter. Similarly, one of the team leaders, Kailash Bhasakhatri, according to the list annexed with the petition, paid Rs. 10 Lakhs, and he has received an amount of Rs. 34,56,236/-. It reveals from the investigation papers that investors have invested the amount after understanding the entire scheme. As far as the custodial interrogation is concerned, the applicant has already cooperated with the investigating agency; he has also produced his gadgets before the investigating officer. Therefore, only for the purpose of interrogation, the custodial interrogation is not required. In view of that, the interim protection granted to the present applicant deserves to be allowed. Accordingly, I proceed to pass the following order.

ORDER

- a] The criminal application is **allowed**.

- b] The interim protection granted to the present applicant by order dated 26/02/2025 is hereby confirmed.
- c] The applicant shall attend the Economic Offence Wing, Bhandara once in a week on Monday between 10.00 a.m. to 01.00 p.m. and shall cooperate with the investigating agency.
- d] The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the present case.
- e] The applicant shall not leave the jurisdiction of the Bhandara and Chandrapur District without prior permission of the court.
- f] The applicant shall produce his passport if he is having before the investigating officer.
- g] The applicant shall attend the proceedings before the trial court without seeking any exemption unless there are exceptional circumstances.

- h] The applicant shall produce before the Court his detailed address along with the address proof.

Criminal Application is **disposed of**.

[URMILA JOSHI-PHALKE, J.]