



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CRIMINAL APPLICATION (BA) NO. 1131 OF 2024

SHRI RUKESH S/O BHIMRAO WAIKAR

Vrs.

THE 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

Shri R. P. Dixit, Advocate for applicant.

Shri N. B. Jawade, APP for Non-applicant-State.

CORAM: URMILA JOSHI-PHALKE, J.

DATE : 07/03/2025.

1. The applicant came to be arrested on 13/07/2024 in connection with Crime No.287/2024 registered with Ganeshpeth Police Station, Nagpur for the offences punishable under Sections 409 and 420 r/w Section 34 of the IPC.

2. The FIR is lodged on the basis of report lodged by Manish Meshram on an allegation that he is working with Tulip Diagnostics in Bhopal, Madhya Pradesh. On 03/09/2019, One Sudesh Dongre and Chandrashekhar Jamgade, who are his friends came to his house and informed about the company by name FVM Advisory and Consultant Pvt. Ltd, Baleshwar, Soro Orissa which gives 3% interest per month on the deposits made with it. Thereafter, the complainant has invested the amount as well as he has also asked the other persons

with whom he was acquainted with to invest the amount. Initially, he has received the returns and subsequently, the company stopped paying the returns and therefore, he approached the police station. As far as present applicant is concerned, allegation levelled against him is that he being the employee of the said company was arranging the meetings and inducing various investors to invest the amount. On the basis of said allegation, a crime was registered against him and after completion of the investigation, the charge sheet is submitted.

3. Heard learned counsel for the applicant who submitted that as far as the present applicant is concerned to whom only the role as attributed is that being an employee, he was arranging the Zoom Meetings and as he was a Mediator between the Directors of the Company and the investors. He submitted that whatever amount received by him in his account is towards his salary. It was the present applicant who initially lodged the complaint against the company on 31/05/2022, but no action was taken against the said complaint and subsequently, the informant has lodged the report, on the basis of which the investigation was carried out. Now, investigation is already completed and charge sheet is already filed.

4. Learned APP strongly opposes the said application and submitted that the applicant has received the pecuniary gain by receiving the amount in his account.

His role reveals from various statements of the witnesses which show that the present applicant was prime in arranging the meetings and inducing the investors to invest the amount. Thus, considering the role of the present applicant, application deserves to be rejected.

5. After hearing both sides and on perusal of investigation papers, it reveals that there is no dispute as the fact that the present applicant was working with the said company, various investors have invested the amount. The investigation papers also show that investment made by the investors was directly deposited in the account of the company. The present applicant has not received any amount directly from the investors. Whatever he has received is towards his remuneration as he was working with the said company. It is also apparent that initially, he was part of the complaint made to the police station against the said company on 31/05/2022. Now, investigation is completed and charge sheet is filed and the limited role is attributed to the present applicant. He was one of the employees of the said company who induced the investors to invest the amount. The applicant has made out a case for grant of bail. Accordingly, I proceed to pass the following order :-

ORDER

- i] The application is allowed.

ii] The applicant – **Rukesh S/O Bhimrao Waikar** be released on bail in connection with Crime No.287/2024 registered with Ganeshpeth Police Station, Nagpur for the offences punishable under Sections 409 and 420 r/w Section 34 of the IPC, on executing P.R. Bond of Rs.25,000/- with one solvent surety of the like amount.

iii] The applicant shall attend the concerned police station once in a month on First Saturday of every month and the Police Station Officer shall record his presence.

iv] The applicant shall not leave the jurisdiction of Nagpur City without seeking prior permission of the District Court, Nagpur or the Special Court, Nagpur.

v] The applicant shall not induce or threat or promise to any witnesses, who are acquainted with the facts of the present case.

vi] The applicant shall furnish the Cell Phone Number and address with address proof before the Special Court.

vii] The applicant shall not deal with movable or immovable assets without permission of the Special Court.

6. The application is disposed of.

[URMILA JOSHI-PHALKE, J.]

Choulwar