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

Criminal Application (BA) No.344/2025
[Anandpal V 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. P. Rewatkar, Advocate for applicant.
Ms. Sneha Dhote, APP for State.

Coram : Urmila Joshi-Phalke, J.
Date : 28-04-2025.

Heard.

2. The applicant came to be arrested on 05-02-2025 in connection with Crime No. 0051/2025 registered under Sections 420, 409, 417 r/w 34 of the IPC, Sections 3 and 4 of the Maharashtra Protection of Interests of Depositors Act and Sections 21(3) and 22 of the Banning of Unregulated Deposit Schemes Act, 2019.

3. The crime is registered on the basis of report lodged by Ranjani Tembhurne who is agent worked for the applicant. She alleged that she was working with the present applicant with the Shubhalakshmi Enterprises as a Manager which has launched a scheme of lucky draw in May, 2023. The applicants with co-accused persons used to accept the deposits from the various depositors every month and used to conduct the lucky draw every month for the depositors. Under such scheme huge amount is accepted from the depositors. For initial period lucky draw was conducted later on with an intention to chit the depositors it was stopped and wrongful loss was caused to the depositors. On the basis of the said report, the Police have registered the crime. Total amount of Rs. 1,25,63,073/- is involved.

4. Heard learned Counsel for the applicant who submitted that other accused Savita Thakare is already released on bail. He submitted that as far as the present applicant is concerned, he has no

concerned with the said Shubhalakshmi Enterprises. He was working as a Manager in the said enterprises. It is the other co-accused who are involved in the said crime. He further submitted that as far as his further incarceration is concerned which is not required as the amount is to be recovered from the other accused. In view of that he be released on bail. Learned Counsel further submitted that merely because he was employee in the said enterprises he is arraigned as an accused. There is no investigation whether he has purchased any property from the sale proceeds which he has earned by committing crime.

5. Learned APP strongly opposed the said application and submitted that the investigation is still in progress and the further incarceration of the applicant is required. The applicant was the employee of the other co-accused. The various depositors are duped by the present applicant and the other accused. In view of that the application deserves to be rejected.

6. On hearing both the sides and on perusal of the investigation papers it reveals that depositors were lured by promising them for depositing the amount they would get the handsome returns as well as by way of lucky draw they would get the financial benefits. During investigation it reveals that total number of depositors are 2499 who are from the different lower strata of the society who have deposited the amount. The investigation is though stated to be incomplete, but it appears that it is practically completed. As as far as the present applicant is concerned, it appears that he is arraigned as an accused only because he is the employee in the said enterprises. As far as the allegations as to the acceptance of the amount is concerned, which is against the co-accused who were the owners of the said Shubhalakshmi Enterprises. As far as the further incarceration of the present applicant is concerned which is not required. There is no investigation as to how he is benefited by the said crime. No financial benefits appears to be received by the present applicant. As far as investigation is concerned, at this stage the applicant

has made out case for grant of bail. Accordingly, I proceed to pass the following order.

7. The application is allowed.

8. The applicant shall be released on bail in connection with Crime No. 0051/2025 registered under Sections 420, 409, 417 r/w 34 of the IPC, Sections 3 and 4 of the Maharashtra Protection of Interests of Depositors Act and Sections 21(3) and 22 of the Banning of Unregulated Deposit Schemes Act, 2019 on executing PR Bond of Rs. 25,000/- with one surety of like amount.

9. The applicant shall attend the concerned Police Station twice in a month on 1st and 15th of every month and shall cooperate the investigating agency till filing of the chargeshset.

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

11. The applicant shall attend the proceeding before the trial Court without seeking any exemption unless there are exceptional circumstances.

12. The applicant shall not leave the jurisdiction of Bhandara district without prior permission of the Special Court, Bhandara.

13. Application is disposed of.

(Urmila Joshi-Phalke, J.)

Deshmukh
Signed by: Mr. S.Deshmukh
Designation: PS To Honourable Judge
Date: 29/04/2025 17:07:50