



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

CRIMINAL APPLICATION (ABA) 761/2025

(Mukesh Ramdas Badwaik and others Vs. State of Maharashtra)

WITH

CRIMINAL APPLICATION (ABA) 762/2025

(Arpan Kishor Pande and others Vs. 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. Adwait S. Manohar, Advocate with Mr. Y.N. Sambre, Advocate for the applicants.

Mr. A.J. Gohokar, A.P.P. for non-applicant No.1/State.

Mr. A.A. Mardikar, Advocate for non-applicant No.2. ..(in ABA 761/2025)

Mr. A.A. Naik, Senior Advocate with Mr. Y.N. Sambre, Advocate for the applicants.

Mr. A.J. Gohokar, A.P.P. for non-applicant No.1/State.

Mr. A.A. Mardikar, Advocate for non-applicant No.2. ..(in ABA 762/2025)

CORAM: MRS.VRUSHALI V. JOSHI, J.

DATED: 7.10.2025.

Common order

Heard.

2. Issue notice to the non-applicants, returnable on 12.11.2025.
3. The applicants are apprehending arrest in Crime No.833/2025 for the offence punishable under Sections 409, 406, 420 and 120-B of the Indian Penal Code.
4. It is alleged that in 2018 the First Informant filed a police report against Dr. Samir Paltewar and the crime is registered against said Paltewar for charging extra money from the patients admitted under Rajiv Gandhi Jivandayi (Mahatma Jyotiba Fule Jivandayi) Scheme without First Informant's permission. In 2021, at Police

Station Sitabuldi Crime No.77/2021 came to be registered against the said person for issuing higher valued bills to the patients and showing them as of less value in hospital record by manipulating them.

5. The allegations are made against the entire Paltewar family. It is a dispute between two Directors of the Company. The applicants are service providers of V.R.G. Health Care Private Limited (vendors). The specific allegations made against all these applicants are that when the First Informant found misappropriation he issued a letter to all these applicants and as they have not replied to the said letter, he presumed their involvement in said misappropriation and, therefore, the present crime is registered.

6. The learned Senior Advocate for the applicants has stated that offence under Section 409 of the Indian Penal Code is registered. All these applicants are the vendors. There is no entrustment of amount with these applicants. They have received the amount as per the agreement. Offence under Section 420 of the I.P.C. is also registered which cannot be committed along with the offence of misappropriation. The applicants have relied on the judgment of the Hon'ble Apex Court in case of *Delhi Race Club (1940) Limited and others V/s. State of Uttar Pradesh and another* reported in **(2024) 10 SCC 690** in support of the argument that the offence of cheating and misappropriation cannot go hand in hand. The applicants are not the government employees and, therefore, the offence of misappropriation will not be attracted against these applicants.

7. As only on the basis of suspicion crime is registered under Sections 409 and 420 of the I.P.C., the applicants have an

apprehension of arrest. Hence, prayed to protect them by granting ad interim anticipatory bail.

8. The learned A.P.P. opposed the applications stating that the applicants are the relatives of the employees of said Meditrina Hospital. A huge amount is siphoned by accused No.1 by taking help of these applicants. Hence, prayed to reject the application.

9. Heard both sides and perused the record.

10. After considering the contents in the F.I.R., it appears that only on the suspicion that the applicants must have helped the accused No.1 in siphoning the amount, the crime is registered. No specific allegations are made against these applicants. They are vendors and agreement is there. Considering the role attributed to these applicants, case is made out to protect the applicants by granting ad interim protection.

11. Hence, I pass the following order

- i) It is directed that in the event of arrest of the applicants - Mukesh Ramdas Badwaik, Vaishali Ramdas Badwaik, Rita Ramdas Badwaik, Sarvesh Kashinathrao Dhomne, Priyanka Sarvesh Dhomne, Arpan Kishor Pande, Kishor Vinayakrao Pande, Akash Madhukarrao Kedar, Trupti Prakash Ghode and Naim Bashir Diwan, in connection with Crime No.833/2025 for the offence punishable under Sections 409, 406, 420 and 120-B of the Indian Penal Code, they shall be released on bail on furnishing P.R. Bond in the sum of Rupees Twenty Five Thousand each with one solvent surety in the like amount.
- ii) The applicants shall not in any way tamper with the prosecution evidence.

- iii) The applicants shall not pressurize or threaten the prosecution witnesses.
- iv) The applicants shall co-operate with the Investigating Officer.
- v) The applicants shall attend the concerned Police Station once in a week i.e. on Monday between 1 to 2 p.m.
- vi) This protection shall remain in force till next date of hearing.

(MRS.VRUSHALI V.JOSHI, J.)