IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

957 BAIL APPLICATION NO. 2442 OF 2025

Baliram Dnyandeo Bhavar ....Applicant

VERSUS

The State of Maharashtra .....Respondent

Mr. V. V. Udhan, Advocate for Applicant.
Mr. B. B. Bhise, APP for the State.

CORAM : SACHIN S. DESHMUKH, J.
DATE : 21st JANUARY, 2026.

PER COURT :

1. Applicant seeks regular bail in connection with Crime No. 0698/2024 registered with Shevgaon Police Station, Dist. Ahmednagar, for the offences punishable under Sections 420, 406, 409, 34, 120(B) of Indian Penal Code and under Sections 3 of Maharashtra Protection of Interest of Depositors (in financial establishments) Act, 1999.

2. The prosecution case is that on 02.06.2023 Applicant visited the house of the informant and informed that he is engaged in share market trading in the name of Balaji Traders. On assurance of 10% monthly return, the Applicant allured the informant to invest amount in the firm. Upon repeated request, the Applicant avoided to repay

the amount. Thus, on the allegation of mis-appropriation of amount assuring false promise of heavy returns, the First Information Report came to be lodged.

3. Learned Counsel for Applicant submits that the Applicant is falsely implicated in the offence. It is further submitted that mere failure to deliver promised profits or irregularities in repayment constitutes a civil breach of contract rather than criminal offence. There is no incriminating material on record to indicate complicity of the Applicant in the crime. Moreover, co-accused is enlarged on bail. Investigation is completed and charge-sheet is filed. As such, further incarceration of the Applicant is unjustified. Hence, prayed to allow the application.

4. Per contra, learned APP vehemently opposed the application submitting that the offence is serious in nature and the Applicant has misappropriated hard-earned money of informant. The Applicant has actively participated in the commission of crime. Economic offences are considered grave offences against society at large. Hence, prayed for rejection of the application.

5. Having heard the submissions made by the respective sides and upon perusal of the record, including charge-sheet, it reveals that the informant had invested funds on the assurances of the Applicant.

6. Furthermore, there appears to be no due registration of the enterprise established by the Applicant with the Securities and Exchange Board of India (SEBI). The Applicant neither appears to hold a portfolia management authorisation nor possesses a license to operate a brokerage firm. Moreover, the funds were never invested in demat account registered in the informant's name.

7. Under relevant provisions and SEBI guidelines, even duly registered entities like Portfolio Management Services (PMS) providers and brokers are prohibited from offering guaranteed returns to investors. Also, the money duped was received directly into the Applicant's personal bank account, leading to strong inference that he utilized those funds for personal benefits. Thus, prima facie the intention to dupe and defraud was at inception.

8. The record prima facie establishes that the Applicant enticed the informant by promising unrealistically high, and ultimately impossible, returns. He succeeded in defrauding the informant without fulfilling the promised disbursements.

9. The Hon'ble Apex Court in the case of **Tarun Kumar Vs. Assistant Director, Directorate of Enforcement [(2024)13 SCC 788]**, held as under :-

> "22. Lastly, it may be noted that as held in catena of decisions, the economic offences constitute a class apart and need to be visited with a different approach in the matter of bail. The economic offences having deep-rooted conspiracies and involving huge loss of public funds need to be viewed seriously and considered as grave offences affecting the economy of the country as a whole and thereby posing serious threat to the financial health of the country. Undoubtedly, economic offences have serious repercussions on the development of the country as a whole. To cite a few judgments in this regard are Y.S. Jagan Mohan Reddy vs. Central Bureau of Investigation8, Nimmagadda Prasad vs. Central Bureau of Investigation9, Gautam Kundu vs. Directorate of Enforcement (supra), State of Bihar and Another vs. Amit Kumar alias Bachcha Rai10. This court taking a serious note with regard to the economic offences had

observed as back as in 1987 in case of State of Gujarat vs. Mohanlal Jitamalji Porwal and Another11 as under:-

> "5... The entire community is aggrieved if the economic offenders who ruin the economy of the State are not brought to books. A murder may be committed in the heat of moment upon passions being aroused. An economic offence is committed with cool calculation and deliberate design with an eye on personal profit regardless of the consequence to the community. A disregard for the interest of the community can be manifested only at the cost of forfeiting the trust and faith of the community in the system to administer justice in an even-handed manner without fear of criticism from the quarters which view white collar crimes with a permissive eye unmindful of the damage done to the National Economy and National Interest..."

23. With the advancement of technology and Artificial Intelligence, the economic offences like money laundering have become a real threat to the functioning of the financial system of the country and have become a great challenge for the investigating agencies to detect and comprehend the intricate nature of transactions, as also the role of the persons involved therein. Lot of minute exercise is expected to be undertaken by the Investigating Agency to see that no innocent person is wrongly booked and that no culprit escapes from the

clutches of the law. When the detention of the accused is continued by the Court, the courts are also expected to conclude the trials within a reasonable time, further ensuring the right of speedy trial guaranteed by Article 21 of the Constitution.”

10. Recently, in **Gulfisha Fatima v. State (Govt. of NCT of Delhi) [MANU/SC/0009/2026]**, the Supreme Court refined the jurisprudence of bail in cases of a "larger conspiracy." The Apex Court established a "hierarchy of participation," distinguishing between the "architects" who conceptualise a criminal design and the "facilitators" who execute it. The Court held that those with "command responsibility" stand on a "qualitatively different footing".

11. The Hon’ble Apex Court, in the case of **Y. S. Jagan Mohan Reddy vs. CBI** **[(2013) 7 SCC 439]**, has held thus :-

“15) Economic offences constitute a class apart and need to be visited with a different approach in the matter of bail. The economic offence having deep rooted conspiracies and involving huge loss of public funds needs to be viewed seriously and considered as grave offences affecting the economy of the country as a whole and thereby posing serious threat to the financial health of the country.

> 16) While granting bail, the court has to keep in mind the nature of accusations, the nature of evidence in support thereof, the severity of the punishment which conviction will entail, the character of the accused, circumstances which are peculiar to the accused, reasonable possibility of securing the presence of the accused at the trial, reasonable apprehension of the witnesses being tampered with, the larger interests of the public/State and other similar considerations."

12. In the light of the aforesaid facts and precedents, it is evident that the Applicant was not a mere bystander but the primary orchestrator of a sophisticated and pre-planned financial fraud. By leveraging his personal influence he utilized the platform of a sham enterprise to lure the informant by inducing him to invest significant sums under the false pretext of guaranteed high-yield returns, the Applicant has demonstrated a clear and dishonest intent, at inception resulting into further breach of trust of the informant.

13. The magnitude of the siphoned funds, the lack of any legal authorization and pertinently, the diversion of deposited amount into personal account reflect a grave betrayal of financial trust to large extent. Thus, keeping in view the severity of offence, I am not inclined to exercise discretion in favour of the present Application.

14. Hence, the bail application stand rejected.

(SACHIN S. DESHMUKH, J.)

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