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

CRIMINAL APPLICATION (ABA) NO.915 OF 2025
Nagsen Sadhuji Meshram and another 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.

Shri A.D. Bhate, Advocate for applicants.
Shri A.M. Ghogare, APP for respondent.
Shri S.S. Meshram, Advocate for informant/assist to prosecution.

CORAM : RAJNISH R. VYAS, J.
DATE : 16.04.2026.

1. Apprehending the arrest in connection with Crime No.460/2025 registered with Police Station, Kamptee, District Nagpur for the offences punishable under Sections 120-B, 406, 420, 465, 467, 468, 471, 474 read with Section 34 of the Indian Penal Code (for short, "IPC"), the applicants/accused nos.1 and 2 have approached this Court.

2. In short, the informant – Sukhdev Mahadev Waghmare has alleged in the First Information Report that the informant was working in the society by name Triratna Nagri Sahakari Path Sanstha which is run by the present applicants and their daughter by name Ashwini Nagsen Meshram alias Ashwini Mangesh Somkuwar. It was further alleged in the First Information Report by the informant that he was acting as an agent of the said society and used to receive 2% to 3% of invested amount from the collection he made. According to the First Information Report, on 22.01.2025, he deposited the collected amount with the society but thereafter could not deposit as he fell ill. It is alleged in the First Information Report that he used to collect the amount from approximately 15 customers and used to deposit with the society. The said amount was accepted by applicant no.1-Nagsen and his daughter Ashwini. The other work was being looked after by the applicant No.2 /accused No. 2. According to the First Information Report, various schemes were floated by the said society including a scheme under the name and style as “Dhanlaxmi Labh Yojna” and “Gharagruthi Deepavali Fund Yojna”, in which it was assured that interest between 8 to 18% per annum would be given on the investment in Dhanlaxmi Labh Scheme on 22.11.2022. The informant then invested the amount in the name of his wife. The total amount invested by the informant was ₹5 lakh.

3. According to the First Information Report, though he was to get amount of ₹5,40,000/- on 22.11.2023, he did not receive the same. In short, it is the case of the prosecution that in spite of acceptance of the deposit from several customers, the assured amount was not given to them.

4. The learned counsel for the applicants has contended that there was no intention to play fraud on the depositors and it is due to want of recovery of the outstanding amount, the promise could not be met. He submitted that there was no intention to cheat. He further submitted that vide communication dated 26.05.2025 it was informed that an

Administrator is appointed on the said society. In short, it is his submission that it was due to the reasons beyond his control the agreed amount was not refunded.

5. Per contra, the learned APP has contended that there are 163 customers who have deposited the huge amount of ₹2,46,93,111/- and many of whom are the roadside vendors. He submitted that considering the aforesaid fact and the stage of investigation, the application be rejected. He further contended that investigating officer is taking permission for invoking provisions of Maharashtra Protection of Interest of Depositors (in Financial Establishments) Act, 1999 (MPID Act).

6. With the assistance of the respective counsels, I have gone through the record of the case and have given thoughtful consideration to the arguments advanced.

7. At the outset, it is necessary to mention here that since the present application is for grant of anticipatory bail, it will have to be seen whether prima facie case is made out against the applicants or not. It cannot be ignored that in-depth enquiry and appreciation of material available on record is not permissible. It will further have to be seen whether there is likelihood of the abscondence of the present applicants.

8. The fact remains that the applicants had promised that if the amount is invested under the aforesaid scheme then the depositors will get interest at the rate of 8 to 18% per annum. Accordingly, from more than 163 depositors, amount of ₹2,46,93,111/- was accepted. Most of the depositors are roadside vendors and are poor persons. According to the learned counsel for the applicants, the amount is exaggerated and inflated and in fact, he has returned amount of ₹1 crore. Be that as it may, at this stage of deciding anticipatory bail application, mathematical calculations cannot be done.

9. Considering the magnitude of the offence and the fact that huge amount is involved so also poor citizens are duped, I am not inclined to allow the present application. Hence, the application is rejected.

(Rajnish R. Vyas, J.)

Wagh