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

CRIMINAL APPLICATION (ABA) NO. 970 OF 2025

Rajkumar s/o Ladharam Israni and another Vs State of Maharashtra

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders

Mr. A.A. Naik, Senior Advocate a/b Mr. Bhushan Sachdev and Mr. Dipen S. Jagyasi, Advocate for applicants.
Mr. N.R.Rode, APP for non-applicant/State.
Mr. A.S. Mardikar, Senior Advocate a/b Mr. A.T. Purohit, for Assist to Prosecution.

CORAM: RAJNISH R. VYAS, J.

DATED : 20/04/2026.

1. Heard Mr. A.A. Naik, learned Senior Advocate assisted by Mr. Bhushan Sachdev and Mr. Dipen S. Jagyasi, for the applicants, Mr. N.R.Rode, learned APP for the non-applicant/State and Mr. Anil S. Mardikar, learned Senior Advocate assisted by Mr. A.T. Purohit, for Assisting to Prosecution.

2. The applicants are apprehending their arrest in connection with Crime No. 848/2025 for the offences punishable under Sections 296, 316(2), 318(2), 318(4) and 351(3) of the Bharatiya Nyaya Sanhita, 2023.

3. In short, the case of the prosecution is that the applicants, who were known to the father of the informant, represented to him that if a certain amount is invested, he would receive handsome returns. The summary of FIR can also be said that the informant thereafter, from 6/9/2021 till 15/01/2022, on different

occasions had given an amount of Rs.98,00,000/- to the accused.

4. On 13/01/2022, applicant No.1, Rajkumar, had paid an amount of Rs. 10,00,000/-, which was credited in the bank account of the informant's mother. It is further alleged in the FIR that the accused no.1 again asked the informant to pay him an amount on the pretext that it would be invested in a scheme at Dubai and the informant would receive good returns from it.

The Informant alleged that, due to pressure tactics adopted by accused No.1, he sold his agricultural filed for a consideration of Rs. 2 Crores and thereafter transferred an amount of Rs. 1 Crore in favour of the applicant No.1. Thus, a total amount of Rs. 1,98,00,000/- was transferred by the informant to the bank account of the applicant No.1 and applicant No.2.

It is also alleged in the FIR that applicant No.1 returned certain amounts to the informant as follows:- Rs. 2,00,000/- on 02/08/2022, on Rs. 3,00,000/- on 16/02/2023, Rs. 3,00,000/- on 20/02/2023, and Rs. 20,00,000/- on 27/02/2023. Thus, according to the informant a total amount of Rs. 38,00,000/- was returned to the informant towards the promise made.

5. According to the informant, after 27/02/2023, the applicant No.1 started avoiding him and did not pay any heed. On 26/07/2025, when applicant No.1 was called by the informant, he abused and threatened to kill

him.

6. It is this information which triggered lodgment of the FIR.

7. Learned Senior Counsel submitted that in compliance with the order passed by this Court on 23/12/2025 granting ad-interim bail, the applicants attended the concerned Police Station almost about 33 occasions. He further submitted that the applicants have cooperated with the investigating agency. According to him, the transactions forming the subject matter of the FIR clearly reveal that they are of commercial nature, and the criminal law was set in motion with a view to recover the amount. He further submitted that the dispute between the parties can be resolved by taking the recourse by filing appropriate proceedings before the Civil Court and according to him, custodial interrogation is not required.

8. Per contra, the learned APP and learned Senior Counsel Mr. A.S. Mardikar strongly opposed the bail application on the ground that a systematic conspiracy was hatched by the accused persons, and that though a huge amount of Rs.1,98,00,000/- was obtained from the informant, and only a meager amount of Rs. 38,00,000/- was returned. They, therefore, prayed for rejection of the application.

9. 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.

10. The learned APP, on instructions from the Investigating Officer, who is present in the Court, fairly submitted that the applicants have attended the Police Station on 33 occasions. On perusal of the FIR, it reveals that that the informant, from 06/09/2021 till 30/06/2022, and thereafter from time to time has invested an amount of Rs. 1,98,00,000/-. The FIR further shows that, from 13/01/2023 till 27/02/2023, the applicants have returned an amount of Rs. 38,00,000/-.

The FIR was lodged on 13/12/2025 i.e. almost two years and eight months after the last transaction. The principal offences mentioned in the FIR are of criminal breach of trust and cheating of the Bharatiya Nyaya Sanhita, 2023. Nothing has been brought on record to show that the applicants had developed any fraudulent intention at the initial stage to cheat the informant.

11. As the prima-facie case to that effect is missing, I do not find any hurdle in granting anticipatory bail to the applicants. It is not in dispute that, on 33 occasions for aiding the investigation, the applicants have attended the concerned police station. In that view of the matter, and considering the fact that, prima-facie dispute appears to be of a commercial, I am inclined to allow the present application.

ORDER

a) The Criminal Application (ABA) is **allowed**.

b) The order passed by this Court dated

23/12/2025, granting ad-interim anticipatory bail, is confirmed.

c) In the event of arrest, in connection with Crime No. 848/2025 for the offences punishable under Sections 296, 316(2), 318(2), 318(4) and 351(3) of the Bharatiya Nyaya Sanhita, 2023, the applicants namely **(1) Rajkumar s/o Ladharam Israni (2) Smt. Rekha w/o Rajkumar Israni** shall be released on bail on furnishing a P.R. bond of Rs. 25,000/- (Rupees Twenty Five Thousand Only) each with one solvent surety in the like amount.

d) The applicants shall attend the concerned Police as and when called by the Investigating Officer.

e) The applicants shall not tamper with the prosecution evidence or influence the witnesses.

f) The applicants shall not leave the India without prior permission of the Court.

12. The criminal application stands **disposed of**.

(RAJNISH R. VYAS, J.)

rkn