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

CRIMINAL APPLICATION (ABA) NO.1001 OF 2025

Bhimrao Fulchand Chandrakapure
Vs.
State of Maharashtra, Police Station Officer, Police Station, Sitabuldi, Nagpur

Office Notes, Office Memoranda of Coram, appearances, Court's orders of directions and Registrar's Orders.	Court's or Judge's orders.

Shri M.P. Kariya, Advocate for applicant.
Shri C.A. Lokhande, APP for respondent/State.

CORAM : M.W. CHANDWANI, J.
ARGUMENTS WERE HEARD ON : 12.02.2026.
ORDER PRONOUNCED ON : 23.02.2026.

1. The applicant is apprehending his arrest in connection with Crime No.994/2025 registered with Police Station, Sitabuldi, Nagpur for the offences punishable under Sections 316(2), 316 (5), 318(4) of the Bharatiya Nyaya Sanhita, 2023.

2. Heard the learned counsel for the applicant as well as the learned APP for the non-applicant/State.

3. Perusal of the case diary reveals that the applicant had been appointed as an agent by the Maharashtra Housing and Area Development Authority (MHADA) to sell the unsold tenements of MHADA on commission basis. Accordingly, an order came to be issued by the MHADA to the applicant. In the said order, it was specifically mentioned by the MHADA that the applicant is not authorised to take any amount towards consideration from the prospective purchasers/beneficiaries.

4. On 18.11.2025, Dakshata Vinayakrao Gole, the Deputy Chief Officer of Nagpur Housing and Regional Development Board lodged a complaint with Sitabuldi Police Station alleging that the proprietorship of the applicant, which was acting as an agency of MHADA to sell the unsold tenements, took money from almost 44 persons towards consideration, charges for providing home loan, electric meter and other incidental charges to the tune of ₹1,39,87,370/- but did not deposit the said amount towards consideration with MHADA and also took extra charges which it was not supposed to charge. Therefore, on the complaint of the Deputy Chief Officer, the aforesaid offences came to be registered against the applicant.

5. Perusal of the case diary further reveals that Deals My Property, an agency being run by the applicant, was appointed by the MHADA to sell the unsold tenements. In consideration thereof, commission payable to the applicant on each tenement was ranging from ₹10,000/- to ₹25,000/-. Thus, the applicant was entitled to receive the commission fixed by the MHADA, but it appears that the applicant took the amount of consideration towards tenements from almost 44 prospective buyers to the extent of ₹1,39,87,370/-. This appears from the statement of the witnesses/victims who agreed to purchase the tenements and paid the amount, either towards consideration or other charges which the applicant was not supposed to accept. That apart, even after accepting the said amount towards consideration, the applicant did not deposit the said amount with MHADA. Therefore, there is prima facie involvement of the present applicant in misappropriating the amount given by 44 proposed buyers to the extent of ₹1 crore and some odd amount.

6. Time and again, this Court as well as the Apex Court has opined that the Court should be slow in granting anticipatory bail in economic offences such as the present one. Huge amount of money is involved in this crime and therefore, custodial interrogation of the applicant appears to be necessary.

7. So far as the submission of the learned counsel for the applicant that the amount of ₹2 crore is outstanding with MHADA which is payable to the applicant; whereas, the amount of the alleged misappropriation is up to ₹1,39,87,370/- is concerned, this submission does not hold water at least for two reasons. Firstly, if he has not been paid commission, he could have taken action against MHADA. Secondly, the amount which has been taken by the applicant does not belong to MHADA, but the amount is paid by the proposed buyers to the applicant for depositing the same with MHADA and therefore, the applicant was not supposed to withhold the amount of 44 proposed buyers and should not have diverted the funds for his own use. This clearly demonstrates the involvement of the present applicant in the crime.

8. Huge amount is involved and various aspects are required to be investigated by the investigating authority including recovery of the amount. Therefore, custodial interrogation of the applicant is necessary in order to connect the dots.

9. Considering the nature of allegations against the present applicant as well as the nature of offences and the fact that hard earned money of innocent buyers has been misappropriated by the applicant for his own use, extraordinary relief of anticipatory bail cannot be extended in favour of the applicant. Therefore, the application stands rejected.

(M.W. Chandwani, J.)

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