



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

CRIMINAL APPLICATION [BA] NO. 343 OF 2026.

Amit Kondadeo Choudhary

-VERSUS-

The 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

Shri S.P. Bhandarkar, Advocate for the Applicant.
Ms S.Z. Haider, A.P.P. for the Non-applicant/State.

CORAM : M.M. NERLIKAR, J.

DATE : APRIL 08, 2026.

Heard.

2. The applicant came to be arrested in connection with Crime No.257/2019 registered with Karanja Police Station, District Wardha, for the offence punishable under Sections 406, 409, 420 read with Section 34 of the Indian Penal Code and Section 3 of the Maharashtra Protection of Interest of Depositors Act, 1999. Charge sheet came to be filed and Section 120(B) of the Indian Penal Code and Sections 21, 22, 23, 24, 25 of the Banning of Unregulated Deposit Schemes

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Act, 2019 came to be added.

3. The first information report is lodged by Sou. Varsha Darokar alleging that during 27.12.2011 to 03.08.2019 the applicant was working as commission agent with J.S.V. Developers India Limited and he has collected certain amounts towards Fixed Deposits and Recurring Deposits from the informant for depositing in the Bank, but, inspite of expiry of the maturity date, the amount was not returned, therefore the first information report.

3. The learned Counsel submits that the applicant was an agent of the Company, who initially collected amounts from various persons and deposited the same with the Company. Thereafter the applicant was promoted as Manager. According to the story of the prosecution, even otherwise if it is accepted that the applicant was employee of the Company, it has nothing to do with siphoning of the amount or misappropriation, and it is the Company who has duped not only the present applicant, but, also other persons. Thus considering the fact that the applicant is working with the Company on meager commission or meager salary, he cannot

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be said to be involved in the serious crime of duping people. It is submitted that though the offence came to be registered on 03.08.2019, however, the investigating officer did not deem it fit to arrest him, and it is only after rejection of his application for anticipatory bail on 27.10.2025, the applicant was arrested on 18.01.2026, therefore, the applicant has a very limited role in the crime and he be released on bail.

4. On the other hand the learned A.P.P. vehemently opposes the application by submitting that an amount of Rs.82,486/- was transferred in the name of the applicant, and therefore, it cannot be said that the applicant is not involved in the present crime. He has collected the amount from poor persons, deposited in the account of the Company, the said Company has winded up and entire amount was taken by its Directors. According to her, considering the role played by the applicant and seriousness of the crime, the applicant does not deserve to be enlarged on bail.

5. I have heard the learned Counsel for the parties. It is to be noted that the first information report was registered in the year 2019. I am surprised by the fact that till 2025, the

investigating agency did not deem it fit to arrest the applicant. It is also necessary to mention that the investigating agency has neither issued even a single summons during this period to the applicant, nor called upon the applicant to attend the police station to cooperate with the investigation. After going through the entire record, it could be gathered that at the most the applicant is an employee of the Company namely JSV Developer India Limited. It further appears from the record that total amount involved in the present crime is Rs.2,49,28,240/- and the entire amount was taken away either by Parthasarathi De or Vijaylaxmi, who are stated to be the Directors of the said Company. It is further to be noted that said Vijaylaxmi was granted bail on the ground of delay in trial. Even otherwise, considering the role played by the applicant, it can be said that he has been appointed by the Company to collect amounts from different persons or he was acting as a Manager of the Company. The amount of Rs.82,486/- which has come in the account of the applicant, can be said to be towards commission of his work or salary.

It further appears that the present applicant and

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other two accused persons Pramod Kukde and Devendra Nagpure have executed an undertaking stating that they will be returning the amount to the depositors. However, it is to be noted that Pramod Kukdey and Devendra Nagpure has been granted bail by the trial Court. Thus, considering the nature of allegations against the applicant, I am inclined to grant bail to him. Hence the following order.

ORDER

- (i) Criminal Application is allowed and disposed of.
- (ii) The applicant /accused Amit Kondadeo Choudhary be released on regular bail in connection with Crime No.257/2019 registered with Karanja Police Station, District Wardha, for the offence punishable under Sections 406, 409, 420, 120(B) read with Section 34 of the Indian Penal Code, Section 3 of the Maharashtra Protection of Interest of Depositors Act, 1999 and Sections 21, 22, 23, 24, 25 of the Banning of Unregulated Deposit Schemes Act, 2019 on his furnishing P.R. Bond of Rs.50,000/- with two sureties in the like amount.
- (iii) The accused shall not enter within the territorial jurisdiction where the informant is

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residing, till the completion of the trial.

- (iv) The accused shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also shall not tamper with the evidence.
- (v) The accused shall provide his residential address and cell number to Police Station concerned and shall not change his place of residence without prior intimation to the Investigating Agency.
- (vi) The accused shall attend each and every date of trial regularly. If he fails to attend the trial for one single date, or fails to comply with the aforesaid conditions, his default would entail the State to ask for cancellation of bail.
- (vii) The above observations are prima facie in nature, and restricted for the purpose of deciding this application. The Trial Court shall not get itself influenced by said observations, during the course of trial.
- (viii) Misc. Applications, if any, are also disposed of.

JUDGE