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

CRIMINAL APPLICATION [ABA] NO.69 OF 2026

[Prakash Kavaduji Behune .vs. State of Maharashtra, Through Police Station Officer, Police Station, Bajaj Nagar, Nagpur, District-Nagpur]

- -

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

- -

Mr. S.R. Chakravarti, Advocate for Applicant.
Mr. C.A. Lokhande, APP for Respondent-State.
…………

CORAM : RAJNISH R. VYAS, J.
DATE : APRIL 17, 2026.

1. Heard.

2. Apprehending arrest, the applicant by name Prakash Kavaduji Behune, the original Accused No.13 in the first information report, has preferred the present application. The First Information Report No.0360/2025 dated 13.11.2025 was registered in all against 13 persons at the instance of the informant-Mr. Mustafa Ali Darbar s/o Hasan Ali.

3. It is alleged in the first information report that the informant was known to one Murtuja Yusuf Shakir and meet him frequently. Several meetings between them resulted in developing friendship and it was told by said one Murtuja Yusuf Shakir to the informant that he runs a business of Forex Trading with a team and if the amount is invested, then the informant would get handsome returns of 6 to 11 percent per month. He also stated that some depositors/investors got appropriate commission and commission is also paid to the agents.

4. It is alleged in the first information report that acting on the representation made by the said Murtuja Yusuf Shakir, the applicant

agreed to meet team members of the informant. On the next day, the said Murtuja Yusuf Shakir took the informant at Cafe where he introduced 10 to 15 team members in whom the Directors of Horizan Investment and Safe Capital by name Abhishek Pachav and Priyanka Pachav along with other persons including the present applicant were present. According to the informant, the said Abhishek Pachav also the team member, explained the scheme to him. The team members then assured the informant that the company carries on a business legally and has all the relevant permissions. It was further assured that if the amount is invested, an agreement would be entered into which would be duly signed and stamped.

5. It was further alleged in the first information report that on 6.5.2024 the informant had given amount of Rs.5 Lacs to one Manoj Dorlikar and Sarvesh Pande and at that time other persons including the present applicant were also present. It was further alleged in the first information report that on different dates an amount was paid to the team members. So far as applicant is concerned, it was stated that the amount of Rs.8 Lacs was given to him. It was stated that on 10^{th} June, 2024, Rs.50,000/-, on 8^{th} July, 2024, Rs.50,000/- was paid to applicant by Manoj Dorlikar and in the month of June, 2024 an amount of Rs.1,00,000/- was given to him by the Sarvesh Pande. Thereafter, as the invested amount was not paid appropriate returns timely by the accused persons same resulted into registration of the first information report.

6. The learned counsel for the applicant has contended that the applicant was just an employee and, therefore, had actually no role to play in commission of crime. He submitted that custodial interrogation of the applicant is not at all required as he is neither Director nor a person who has control over the affairs of the company.

7. Per contra, the learned APP, at the outset, has submitted that the chargesheet in the present matter was filed before the jurisdictional court on 29.1.2026 and on the same day the present application was also filed. The learned APP further submitted that the present applicant could not be traced by the investigating agency and, therefore, showing the applicant absconding, the chargesheet was presented.

8. With the assistance of the respective counsels, I have gone through the record of the case. In the first information report, it is categorically mentioned by the informant that one Murtuja Yusuf Shakir/accused no.10 mentioned in the first information report initially introduced him to the team members including the present applicant. It is further categorically mentioned in the first information report that the informant had handed over the amount of Rs.8 Lacs to the present applicant. Thus, it is crystal clear that the applicant was also involved in a commission of crime.

9. At this stage, the contention of the learned counsel for the applicant that he was just an employee and, therefore, could not have been named in the first information report ignores the provision of Section 3 of the Maharashtra Protection of Interest of Depositors (in Financial Establishment) Act, 1999. The provision of the said Act if is taken into consideration, it would be crystal clear that even an employee can be held responsible for the fraudulent default made.

10. So far as the contention of the counsel that he has forwarded a complaint to Police Inspector, Bajaj Nagar Police Station, Nagpur City on 28.11.2025 against said Mustafa Ali Darbar s/o Hasan Ali/the informant in the present crime and one Nikesh Joshi pointing out the illegalities committed, suffice it to say that nothing has been brought on record to show that the said complaint was taken to logical end. Just because the complaint is filed on 28.11.2025, it would not

ipso facto absolved the present applicant from the commission of crime. It cannot be ignored that the applicant is praying for pre-arrest bail and at that stage indepth enquiry is not permissible. It further cannot be ignored that the applicant was not traced by the investigating agency and chargesheet is filed against him showing absconding.

11. In view of the discussion made above, I am not inclined to allow the present application. Hence, the application is **rejected.**

(RAJNISH R. VYAS, J.)

Gulande