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

CRIMINAL APPLICATION (ABA) NO. 204 OF 2026

MOHAMMAD MATIN S/O ABDUL MAJID SHEIKH AND ANR.
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

Shri J.B.Kasat, Advocate for applicants.
Shri N.R.Roade, APP for respondent/State.

CORAM: RAJNISH R. VYAS, J.

DATED : 18th APRIL, 2026.

Apprehending the arrest, the applicants have preferred this application for the grant of anticipatory bail in connection with First Information Report/Crime No. 148/2026, dated 19/02/2026, registered with Police Station Durgapur, Tal. and Dist. Chandrapur for the offences punishable under Sections 406, 409 and 420 r/w. Section 34 of the Indian Penal Code and Section 3 of the Maharashtra Protection of Interest of Depositors (In Financial Establishments) Act, 1999 and Sections 21, 22 and 23 of the Banning of Unregulated Deposit Schemes Act, 2019.

2. The applicant no. 1 is husband of applicant no. 2. Mr. Bhimrao Narayan Mendhe is the informant who has lodged a complaint.

3. In short, it is the case of informant in the FIR that he along with other persons has given the amount on various occasions to the applicants for investing it in a monthly investment scheme ('Bhisi'). According to the

informant, it was assured that handsome return would be given on the invested amount. It is further alleged in the FIR that, the informant has paid an amount of Rs. 12,21,000/- in between 05.01.2022 till 15.04.2024 whereas one Arif Sardar Khan has paid amount of Rs.10,00,000/- and Vaishnavi Arvind Devgirkar has paid total amount of Rs. 10,00,000/- approximately. It is further alleged in the FIR that the aforesaid amount was either paid in cash or by the electronic transfer, but inspite of repeated request, the applicants did not pay the agreed interest. In the light of the allegations made in the FIR, learned counsel for the applicants has contended that, *prima facie* case is not made out against them, since it was purely an investment scheme and the accused and informant so also other persons were also the members of that scheme. He then contended that, one Mr. Makhanlal Kothari, who was looking after the said scheme, is already arrested and therefore, custody of the present applicants is not required.

4. Per contra, the learned APP for the State has contended that, the investigation shows that more than 17 persons have invested the amount in the scheme and the accused persons though gave promise, did not pay the agreed returns. He submitted that, considering the fact, the application be rejected.

5. At the outset, learned counsel for the applicants has submitted that he has instructions not to press an application qua applicant no. 1 is concerned. The application as regard the applicant no.1 is thus disposed of

as withdrawn. So far as applicant no. 2 is concerned, learned APP has fairly submitted that except using her bank account, none of the witnesses has assigned any specific role to the applicant no. 2, who is wife of applicant no. 1.

6. The statements recorded which are produced for my perusal, would reveal that, the witnesses have categorically stated that accused no.1/applicant no.1 had initially promised the informant and other persons that if amount is invested, they would get the handsome return upon it. The statement of witnesses further reveal that in spite of their being several request on the part of the investors, the amount agreed was not paid by the applicant no.1/accused no.1. No specific role is assigned to applicant no. 2. Since applicant no. 1 has already not pressed his application commenting upon his role would not be necessary. Suffice it to say that, *prima facie* no material is available against the present applicant/applicant no. 2. The applicant no. 2 is a lady, and there is no material showing her involvement. In that view of the matter, following order is passed:-

ORDER

I) The application qua applicant no. 1/accused no. 1 is **disposed of** as withdrawn.

ii) The Criminal Application (ABA) is **allowed** in respect of applicant no. 2.

iii) The order passed by this Court dated 17/03/2026, granting ad-interim anticipatory bail, is confirmed in respect of applicant no. 2.

iv) In the event of arrest, in connection with Crime No. 148/2026, dated 19/02/2026, registered with Police Station Durgapur, Tal. and Dist. Chandrapur for the offences punishable under Sections 406, 409 and 420 r/w. Section 34 of the Indian Penal Code and Section 3 of the Maharashtra Protection of Interest of Depositors (In Financial Establishments) Act, 1999 and Sections 21, 22 and 23 of the Banning of Unregulated Deposit Schemes Act, 2019, the applicant no. 2 - **Farhat W/o. Mohammad Matin Sheikh** shall be released on bail on furnishing a P.R. bond of Rs. 25,000/- (Rupees Twenty Five Thousand Only) with one solvent surety in the like amount.

v) The applicant no. 2 shall attend the concerned Police Station as and when called by the investigating officer, till filing of the charge-sheet.

vi) The applicant shall cooperate with the investigating agency and shall not tamper with the prosecution evidence or influence the witnesses directly or indirectly.

vii) The applicant no. 2 shall not leave the India without prior permission of the Court.

viii) Accordingly, the Application stands **disposed of**.

(RAJNISH R. VYAS, J.)

B.T.K.

Signed by: Mr. B.T. Khapekar
Designation: PA To Honourable Judge
Date: 18/04/2026 20:42:28