



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

CRIMINAL APPLICATION (ABA) NO. 251 of 2026

(Bhavin s/o Mahesh Shah Vs. State, thr PSO, PS Civil Lines, Akola)

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

Court's or Judge's orders.

Mr. S.V. Sirpurkar, Advocate for applicant.
Mr. N.R. Rode, APP for non-applicant/State.

CORAM: RAJNISH R. VYAS, J.

DATE: 05.05.2026

Heard.

2. Apprehending arrest, the applicant has preferred an application in connection with Crime No. 280/2025, dated 5.8.2025, registered with the Police Station Civil Lines, Akola, for offences punishable under Sections 319(2), 318(4), 351(2), 351(3) and 3(5) of the Bharatiya Nyaya Sanhita, 2023.

3. The learned counsel for the applicant has argued as under:

- i) The principal allegations are against accused Himesh Shah;
- ii) The firm by name Ashoka Pharma was the proprietary concern and Hitesh was the proprietor of the same;
- iii) The applicant has been implicated in this crime merely because he is brother of Hitesh.

iv) He has cooperated with the Investigating Agency and attended the Police Station.

v) The notices issued by Hitesh to the customers would reveal that he had agreed to settle the matter amicably, which further shows his involvement.

4. Per contra, the learned APP has argued that

i) Prima facie case is made out;

ii) Custodial interrogation is required;

iii) The applicant is brother of the main accused;

iv) The statement of witnesses shows that it was the applicant who had also promised about the high returns;

v) The applicant has opened the firm under the name and style as “Ashoka Pharma” at Akot and doing the same business.

5. With the able assistance of the learned counsel for the respective parties, I have gone through the record of the case and given thoughtful consideration.

6. The reporter of the crime by name Atish Bidve, has stated that he was working on the post of Medical Representative and was known to the accused Hitesh and Hetal as they used to run their business under the name and style as “Ashoka Pharma”. He used to frequently visit all the three accused persons and the friend of the reporter by name Gopal Pawar had also accompanied the informant on several occasions. According to the FIR, said Gopal Pawar, who was

working with the Indian Army had also visited the business entity of the applicant at which time, accused Hitesh had talk with Gopal Pawar. The accused Hitesh suggested to Gopal Pawar that the retiral benefits can be invested in his business. Thereafter all the accused called the informant and Gopal Pawar at their office. It was alleged in the FIR that accused told them that informant, his friend Gopal and his wife can be inducted as a partners in the business if an amount was invested and for it they would receive 50% profit. The said fraudulent representation, according to FIR, was made by all the accused persons. Thereafter, the informant and his friend Gopal had transferred an amount of Rs. 15 lakhs to the account of Ashoka Pharma. It was alleged in the FIR that when the informant told that he has no substantial amount to invest, it was told by accused Hitesh and Hetal that they can take loan by mortgaging their house from Canara Bank.

7. Thereafter, on several occasions, request was made to the accused persons to pay the agreed amount but the same was not done. On a few occasions, an amount of Rs. 10,000/- was transferred to the account of the informant. It was further alleged in the FIR that when they requested to pay the remaining amount, it was told to the informant that since the parents of Hitesh had died in plane crash, the amount would be given to the informant within a short span of time. It was further alleged that on 31.7.2025, when the informant and his friend Gopal asked for repayment of amount, they were called for a meeting at which time, accused Hitesh and his wife Hetal threatened them. They also asked to take a cheque. In spite of

Inspite of repeated requests, the amount was not paid to the informant and his friend.

8. It is in this background, if the documents on record, more particularly, pages 44 and 45 are perused, it would reveal that Hitesh Shah was the proprietor of Ashoka Pharma. The FIR further shows that the principal allegations are not made against the present applicant. So far as the contention of the learned APP that prima facie, case is made out, it can be said that the allegations are principally against accused Hitesh and Hetal. Just because the applicant is brother of the principal accused, he cannot be roped into by extending principles of vicarious liability in absence of specific material. The learned APP has further contended that the applicant has also opened a firm named Ashoka Pharma at Akot and accepted an amount from various customers. Suffice it to say, that this aspect can be looked into by the Investigating Agency. At this stage, I do not find a prima facie case is made out against the applicant. The applicant had attended the police station as directed by this Court vide its order dated 15.4.2026 and has cooperated with the Investigating Agency. It is informed to the Court by learned counsel for the applicant that the applicant had not criminal antecedents. It cannot be ignored that notices were issued by the accused Hitesh to the informant and Gopal about settlement of the matter. In that view of the matter, the following order is passed:

ORDER

- i) The Criminal Application is allowed.
- ii) In the event of arrest in connection with Crime No.

280/2025, dated 5.8.2025, registered with the Police Station Civil Lines, Akola, for offences punishable under Sections 319(2), 318(4), 351(2), 351(3) and 3(5) of the Bharatiya Nyaya Sanhita, 2023, the applicant namely, Bhavin s/o Mahesh Shah, be released on bail on furnishing a P.R. bond of Rs. 50,000/- (Rupees Fifty Thousand only) with one solvent surety in the like amount.

iii) The applicant shall attend the concerned Police Station as and when directed by Investigating Officer and shall cooperate with the Investigating Agency.

iv) The applicant shall not tamper with the prosecution evidence or threaten the prosecution witnesses.

v) The applicant shall not leave the India without prior permission of the Court.

(RAJNISH R. VYAS, J.)

Belkhede, PS