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

CRIMINAL APPLICATION (ABA) NO.372 OF 2026
Pankaj w/o Babarao Hargode Vs. State of Maharashtra

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

Shri S.M. Mate, Advocate for applicant.
Shri S.B. Bissa, AGP / APP for respondent/State.

CORAM : RAJNISH R. VYAS, J.
DATE : 07.05.2026.

1. Apprehending arrest in connection with Crime No.350/2026 dated 18.03.2026 registered with Police Station, Rajura, District Chandrapur for the offence punishable under Section 316(2) of the Bharatiya Nyaya Sanhita, 2026, the applicant/sole accused has approached this Court.

2. Reporter of the crime is one Sau. Sadhna Prashant Randive, who in First Information Report (FIR) stated that she resides with her husband and child at Rajura village. In the month of December 2022 two Bachat Gats/Private Saving Groups were formed by the women residing in the area and she was the President of both Bachat Gat. All the women used to deposit an amount of ₹1,000/- per month in each Bachat Gat with the informant. It was further alleged in the FIR that some of the depositors/women either used to transfer the amount online in the account of the informant or used to deposit with the applicant. Since the Bachat Gat

was formed the few years ago, the work was going smoothly. It was alleged in the FIR that since last some years the financial transactions of the Bachat Gat were looked after by the applicant and with the consent of all the women members the amount was given to the applicant. The applicant used to recover the loan amount and distribute the loan and submit the details of the same to the informant and the others. According to the FIR, by doing so the applicant had gained confidence of the informant and the others. It was further alleged in the FIR that in one Bachat Gat ₹40 lakh was the deposit and out of which ₹21 lakh was disbursed. So far as second Bachat Gat is concerned, deposit was ₹16 lakh and amount of ₹6,70,000/- were disbursed to the members and balance amount of ₹9,30,000/- was with the applicant. It was alleged that the total deposit with the applicant was to the tune of ₹28,70,000/-.

3. According to the FIR, on 21.01.2026, when the loan disbursement was to take place, at about 02:00 pm, the present applicant went away by advancing reason that he will bring cash counting machine, however did not return. It was further alleged that his mobile was also switched off. In this background, the informant alleged that the applicant has committed criminal breach of trust of ₹28,70,000/-.

4. The learned counsel for the applicant has submitted that the FIR itself would reveal that depositors/women used to deposit the amount with the informant herself. He further

submitted that there was no audit conducted and therefore, version advanced in the FIR is not convincing. The learned counsel for the applicant has further contended that in fact the informant and the applicant were in love and both have decided to run away with cash of ₹28,70,000/-. The learned counsel for the applicant submitted that the informant had insisted the applicant to run away from the family in order to live-in-relationship. When the applicant refused, the false FIR came to be lodged.

5. Per contra, the learned APP has submitted that the offence is of serious nature and huge amount of ₹28,70,000/- is involved. He submitted that depositors are the 40 poor women depositors and contents of FIR prima facie make out a case for the offences registered.

6. With the assistance of the respective counsels, I have gone through the record of the FIR. The FIR is very specific. Though initially women members had deposited the amount with the informant but reading of FIR further reveals that amount was given to the applicant and since last few years he used to look after the financial transactions. At this stage, prima facie material available on the record clearly shows that the case is made out against the applicant. By now it is very well settled principle of law that while deciding the application for grant of anticipatory bail in-depth enquiry is not necessary. What is required to be seen is whether prima facie case is made out against the applicant or not. It cannot

be ignored that the applicant was the son of one of the women who was also the depositors and residing in the same village. Thus, it cannot be overlooked that the women members had trusted the present applicant. It is further crystal clear from the FIR that the applicant was entrusted with the property of which he has committed criminal breach of trust. Amount involved is to the tune of ₹28,70,000/- of the 40 poor women depositors. The defence of the applicant that informant had insisted to run away and live in-relationship can be said to be a plausible stand. Not conducting of audit by Bachat Gat/Saving Group cannot be a ground to grant anticipatory bail as investigation is at preliminary stage. In that view of the matter, no case is made out. Hence, the application is rejected.

(Rajnish R. Vyas, J.)

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