

**ORDER BELOW EXH.1 IN**  
**CRIMINAL BAIL APPLICATION NO.14/2026**

(Sumit Nareshappa Gambhire +1 Vs. The State of Maharashtra)  
(CNR NO.: MHA050000852026)

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This is an application for bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023. The applicants are arrayed as accused persons in Crime No.14/2026 registered with Telhara Police Station for offences punishable under Sections 318(4), 336(2), 336(3) and 3(5) of the Bharatiya Nyaya Sanhita, 2023.

**Prosecution case is as under :**

2. One Dinesh Tukaram Gholap (hereinafter be referred to as the informant) lodged report at Telhara police station on 09.01.2026 informing that, one Sumit Nareshappa Ghambire started business of 'Appaji - E- bike'. He floated a scheme as upon booking of E-bike with payment of Rs.12,000/- and upon collection of 3 members, E-bike would be given to the person who deposited Rs.12,000/- initially. To that tune, there was an advertisement. One E-bike was kept standing for sale in front of Shivam Hotel. Upon such scheme being floated, the informant approach the said shop. He deposited booking amount of Rs.12,000/- and his relative Gopal and Shrikant also deposited Rs.12,000/- each. Accordingly, token No.92, 116, and 184 were handed over by Sumit Ghambhire. However, there was forgery in respect of one Priyanka Ravindra Sirsat being member of No.126 token No.504. The applicants were also part of the said scheme while floating it. The applicants

and Appaji E-bike did not keep the word and did not give E-bike. The applicants forged receipts, token numbers, collected money and did not hand over E-bikes. With these allegations the report came to be lodged and investigation did swing into motion. The applicants apprehend their arrest.

3. According to the applicants, they are falsely implicated in this case. There is delay in lodging FIR. Applicants did not play active role in the alleged offence. They are having no criminal antecedents. Allegations are vague the liability in question is civil and not criminal. On 28.08.2025 the investigating officer had issued notice to the applicants and had called upon them to remain present before him with all documents and receipts in respect of the scheme. Applicant No.1 remained present before him. Thereafter one notice was received by the applicants from some persons and the complainant about delivery of E-bikes and about claim of returning the amount. There is no dishonest intention at the time of inception of scheme. FIR does not show dishonest intention of the applicants. Custodial interrogation of the applicants is not required as the documents are collected by investigating officer long back. Applicants are ready to abide by the conditions as may be directed by this Court in respect of bail. Applicants have no criminal antecedents. Applicants accordingly prayed for bail on these grounds. In addition they submit that, accused No.3 has been granted anticipatory bail by the Hon'ble High Court vide order dated 06.02.2026 and

the same has been confirmed . In this backdrop, the application is prayed to be allowed.

4. The State/prosecution opposed the application by submitting that, the offence is serious in nature. It is an economic offence. There has been forged receipts. Money has been grabbed by the applicants. Sumit and Saurabh i.e. the applicants have actually floated the scheme and had accepted the money from innocent vehicle purchasers. The offence has been committed with common intention. Custodial interrogation of the applicants are necessary to collect the payment receipts and to recover the amount for due investigation into the matter. As such the application be rejected.

5. Heard Ld. Advocate for the applicants and Ld. APP for the State/Prosecution. Perused the available material.

6. Points for determination and findings thereon are as follows.

<b>Sr.No.</b>	<b>Points</b>	<b>Findings</b>
1.	Do the applicants prove that, they have made out ground for bail under section 482 of BNSS?	No
2.	Whether the applicants are entitled to bail as prayed for ?	No
3.	What order ?	As per final order.

## REASONS

### AS TO POINT NOS.1 AND 2 :

7. While appreciating merits of application contentions, it may be noted that, the role attributed against the applicants is that of floating the scheme of depositing amount of Rs. 12,000/- and collecting three members. The investigation in respect of floating of the said scheme, intention behind it and the actual money trail is to be conducted which is not possible unless custodial interrogation is availed by the investigating machinery. It is further material to note that, the FIR itself shows that the scheme was luring public at large to get E-bike for price of Rs. 12,000/- and on collection of three members. Such three members were further supposed to pay Rs. 12,000/- each and were further expected to collect three members again separately to avail E-bike of Rs.45,000/- at the cost of Rs. 12,000/-. This scheme per se seems to be an overt attribute of creating monopoly and restrictive trade. That by itself is apparently in need of detailed investigation and custodial interrogation of its propounder. On that count, the applicants being propounder of the scheme are required to be subjected to custodial interrogation to investigate about the details of the scheme and collection of amounts thereunder. Admittedly the present scheme is not at the behest of any registered company dealing with any automobiles. The same is enterprise of the mind of the applicants alone. The applicants

custodial interrogation is also necessary on that count.

8. It is contented by the applicants that, there was delay in lodging FIR and their statement have already been recorded on 28.08.2025. It may be noted that, crime herein has been registered on 09.01.2026. Therefore, the alleged statement projected by the applicants on 28.08.2025 is of no utility to them as no crime was registered then. Admittedly on 28.08.2025, no crime was registered. Similarly, on that day, there was no reason to record statement by the investigating officer in the crime which has been registered subsequently. Therefore, the contentions raised by the applicants in this premise are of no merit much less to claim bail prior to arrest.

9. So far as alleged contention about the claim being civil in nature is concerned, it may be noted that the need of custodial interrogation is more evident particularly to cull out minute details of the scheme, to trace out money-trail and to recover documents and all details of the scheme. These circumstances do point to need of the custodial interrogation which subsides the contention about the claim being civil in nature.

10. So far as bail granted to Nareshappa Gambhire is concerned, the same was on count that there is no allegation that he was parted with any amount and nothing was to be seized from him. The said order rather points to the fact that allegations of floating scheme is against the main accused

Sumit Gambhire. Thus the role of Nareshappa and the present applicants is differentiated in the order dated 05.03.2026 by the Hon'ble High Court. Thereby the applicants are not entitled to claim parity for bail with that of Nareshappa.

11. Having regard to the foregoing circumstances and the need of custodial interrogation, the applicants are not entitled to pre-arrest bail. The application as such needs to be rejected. Hence, the order.

**ORDER**

The application is rejected.

Place : Akot,  
Date : 07.03.2026.

**(B. M. Patil)**  
Additional Sessions Judge,  
Akot.