

MHAU160004782026

**Criminal Bail Application No.40 of 2026****Prabhakar Ranjeet Munde****Vs.****State of Maharashtra****ORDER BELOW EXH.1**

Applicant – **Prabhakar Ranjeet Munde** has filed this application for grant of **anticipatory bail** under Section **482** of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with the C.R.No.I-454/2025 under Sections 318(4) and 316(2) of the Bharatiya Nyaya Sanhita, 2023 registered at **Gangapur** Police Station, Tal. Gangapur, Dist. Chhatrapati-Sambhajinagar.

Brief facts of the prosecution case are as under :-

[2] Informant – Sachin Ingale is serving as Sugarcane Supply Officer in Jay Hind Sugar Factory Pvt. Ltd. For cursing season of the year 2024-2025 the said Sugar Factory entered into the contract of supply of labour for sugarcane cutting with various Labour Contractors. The applicant is one of those Labour Contractors.

[3] It is alleged that, on the basis of the said contract the applicant took an amount of Rs.10 Lakh from the said Sugar

Factory. However, he has not provided labour as agreed. Thus, an amount of Rs.10 Lakh was due and outstanding against the applicant. In spite of repeated demands the applicant failed to repay the said outstanding amount. Hence, the informant being he Supply Officer of the said Sugar Factory lodged FIR against the applicant.

[4] Accordingly, crime vide CR No.454/2025 came to be registered. The applicant has apprehension of his arrest in this crime. Hence, he has filed this application for grant of anticipatory bail.

[5] I have heard both the sides and perused the material placed on the record.

[6] From the material placed on the record it appears that, the applicant has not denied execution of the contract as alleged by the informant. The applicant has also admitted that he took Rs.10 Lakh as advance from the said Sugar Factory. However, he raised dispute that he has provided labour as per the demand of the Sugar Factory. However, the Sugar Factory added hidden charges as penalty and used post dated cheque issued by him for recovery of exaggerated amount of money. The Sugar Factory has also issued him notice under Sec.138 of the N. I. Act, since the said cheque was dishonored.

[7] All the above facts and circumstances, show that it is the case of breach of contract and Sugar Factory is interested to recover the said money. From the material placed on the record it cannot be ascertained that since inception, the applicant had intention to deceive the Sugar Factory. The present dispute appears to be of Civil nature. In the matter of **G. Sagar Suri and Anr. Vs. State of Uttar Pradesh and Ors. 2000 AIR (SCW) 296,** wherein the Hon'ble Supreme Court in para Nos.12 and 13 observed thus:-

12. In the circumstances of the case in hand conclusion is inescapable that invoking the jurisdiction of criminal court for allegedly having committed offences under Sections 406/420 IPC by the appellants is certainly an abuse of the process of law. In the counter affidavit filed on behalf of the complainant it is now admitted that none of the two appellants is a Director of Ganga Automobiles Ltd. Only in respect of the first appellant it is stated that he is the authorised signatory of that company and that in fact he had signed the cheques which were returned dishonoured. Apart from making the omnibus statement that the first appellant with dishonest intentions and misrepresentations got loan of Rs. 50,00,000 from the complainant company for Ganga Automobiles Ltd. there is nothing said as to what were those misrepresentations and how the complainant company was duped. The only part attributed to the second appellant is that the first appellant along with Ashwani Suri, Managing Director and Mukender Singh, Director approached the complainant in June, 1990 and had represented that they and Shalini Suri, Shama Suri (Appellant No. 2), Charanjit Singh and M.L. Kampani

were the Directors of Ganga Automobiles Ltd. There is nothing stated in the counter affidavit about the role, if any, played by the second appellant. A complaint under Section 138 of the Negotiable Instruments Act has already been filed by the complainant. There is no allegation of any corrupt practice by any of the accused as if they duped the Finance Company in parting with the amount of Rs. 50,00,000, As normally understood business of a finance company is to invite deposits, pay interest on that and also to give loans and earn interest. A finance company also advances short term loans. In that case it is essentially a commercial transaction. After first two cheques were dishonoured two cheques were again issued, which again were dishonoured resulting in filing of complaint under Section 138 of the Negotiable Instruments Act. None of the respondents has been able to explain as to why offences under Sections 406/420 IPC were not added in the complaint filed under Section 138 of the Negotiable Instruments Act and why resort was had to filing of a separate First Information Report. Certain motive has been attributed to the investigating officer but we think we need not go into that. There is also no answer as to why investigation against three other directors was still stated to be pending when same role is assigned to all the accused. In the FIR it is Sukhvender Singh, who first approached the complainant, but later it is Mukender Singh. There is no answer as to why there are two different names. as to who are the Directors of Ganga Automobiles Ltd. could have been easily found by the complainant after going through the records of Registrar of Companies and also about its status. As noted above, in the subsequent statement by the complainant he does not assign any role to the first appellant. The allegation that in the first instance three

persons contacted the complainant company, who told the complainant of other Directors with whom the complainant conversed on telephone appears to be rather improbable.

13. We agree with the submission of the appellants that the whole attempt of the complainant is evidently to rope in all the members of the family particularly who are the parents of the Managing Director of Ganga Automobile Ltd. in the instant criminal case without regard to their role or participation in the alleged offences with a sole purpose of getting the loan due to the Finance Company by browbeating and tyrannizing the appellants of criminal prosecution. A criminal complaint under Section 138 of the Negotiable instruments Act is already pending against the appellants and other accused. They would suffer the consequences if offence under Section 138 is proved against them. In any case there is no occasion for the complainant to prosecute the appellants under Sections 406/420 IPC and in his doing so it is clearly an abuse of the process of law and prosecution against the appellants for those offences is liable to be quashed, which we do.

[8] Moreover, in this matter one of the accused by name Sadashiv Chate against whom similar allegations have been made, has been granted anticipatory bail. Hence, the applicant is entitled for parity.

[9] Having regard to the above mentioned facts and circumstances, I am of the opinion that, the applicant is not being the harden criminal and having permanent place of abode

is entitled for anticipatory bail on certain terms and conditions. In the result, the application deserves to be allowed. I, therefore, pass the following order:-

ORDER

[1] In the event of arrest of Applicant - **Prabhakar Ranjeet Munde**, in connection with the C.R.No.I-454/2025 under Sections 318(4) and 316(2) of the Bharatiya Nyaya Sanhita, 2023 registered at **Gangapur Police Station**, Tal. Gangapur, Dist. Chhatrapati-Sambhajanagar, he be released on his executing P.R.Bond of Rs.50,000/- (Rs. Fifty Thousand only) with surety of like amount on the following conditions that:-

(a) the applicant shall remain present at **Gangapur Police Station** on **every Sunday from 11.00 a.m. to 1.00 p.m.**, till next **60 days or filing of the charge-sheet, whichever is earlier.**

(b) the applicant shall not tamper with the prosecution evidence, in any manner and shall cooperate with the Investigating machinery as and when required.

(c) at the time of furnishing bail, the applicant shall produce on record proof of his permanent residence.

[2] Inform the concerned police station, accordingly.

(S.B. Bahalkar)

Additional Sessions Judge,
Gangapur, Dist. Chh. Sambhajanagar.

Date:- 23.03.2026