(CNR Number : MHSN04000026-2026)
<u>Order passed below Exh.9 in Special Case No.04/2026</u>
(State of Maharashtra Vs. Jitendra Mahadev Yadav, etc.)

This is regular bail application moved by accused No.1 Jitendra Mahadev Yadav as per Section 483 of B.N.S.S., 2023 in connection with C.R.No.300/2025 registered by Islampur Police Station for the offences punishable under Sections 420, 406, 409 r.w. Sec.34 of I.P.C. and Section 3 and 4 of Maharashtra Protection of Interest of Depositors (in financial establishment) Act (here-in-after referred as M.P.I.D. Act).

2. Read the application as well as reply given by ld. A.P.P. vide Exh.10 and reply given by informant vide Exh.11. Both opposed bail application.

3. Heard ld. advocate for accused and ld. A.P.P. for State.

4. The case of prosecution runs as below :-

The informant Pilibai lodged report to police station Islampur against all accused (accused no.1 to 5) stating therein that she belongs to financially sound and stable family. Accused no.4 Prakash Patil is from her village Banewadi and he visited her house on dtd. 08.04.2019 with the then unknown person i.e. accused no.1 and after introducing him, has stated that accused no.1 is running a firm named "Vaishnavi Enterprizes" dealing in the share market, wherein investors would earn 4% monthly returns, with principal amount refunded after 1 year. Accused no.1 assured that their firm would issue cheques as security for transactions. Then the informant along with her son visited the firm office of accused no.1 at Islampur on dtd. 10.04.2019 where all accused persons were found sitting. They all along with informant and her son had discussed about the firm and how they are investing in the share market and giving good returns to the investors. Believing their information, the informant and her son from time to time invested Rs.9,50,000/- with accused persons. They received returns of Rs.4,46,000/-. However, Rs.5,04,000/- yet to be returned from the accused. However, accused neither paid the returns nor the principal amount even after repeated persuasion and then informant and others realized that they are being cheated by the accused persons.

5. It is further alleged that some other persons also invested huge amounts with the accused in the firm of accused no.1 just like informant. One Avinash Phalke invested Rs.4,90,000/-, Hemant kumar Baravade invested Rs.1,07,50,000/-, Namdev Mohite invested Rs.23,50,000/-, Sambhaji Patil invested Rs.41,50,000/-, Sanjay Patil invested Rs.70,50,110/-, Anil Salunkhe invested Rs.77,50,000/-, Jaykar Satape invested Rs.20,00,000/-, Abasaheb Patil invested Rs.20,00,000/-, Vijay Patil invested Rs.2,50,000/-, Bharati Bhosale invested Rs.15,00,000/-, Ruturaj Bhosale invested Rs.15,00,000/-, Rajaram Chavan invested Rs.10,00,000/-. In all, the depositors invested Rs.5,03,40,110/-. The returns they got were amounting to Rs.2,06,74,898/- only. Therefore considering the dishonest intention of accused persons, the informant lodged report and F.I.R. came to be registered at Islampur Police Station vide C.R.No.300/2025 dated 10.07.2025, as referred above.

6. Ld. advocate for accused filed present bail application on various grounds which are enumerated in the bail application. He pointed out that the dispute is of civil nature and accused has been falsely implicated by the informant just for the purpose of recovery of amount invested by them. The criminal law has been set into motion to pressurize the accused for recovery of money which contravenes the law laid down by Hon’ble Supreme Court. It is a financial dispute of civil

nature rather than a criminal offence. The F.I.R. discloses the fact that substantial amount has been already repaid by the accused to informant and other so called investors which demonstrates that accused had no initial dishonest intention to cheat. Therefore the offence under Section 420 of I.P.C. is not applicable here. The notarized agreements executed by so called investors shows the real nature of transactions which are actually hand-loan transactions out of friendly relations evidenced by bills of exchange confirming purely civil nature of transaction.

7. It is further pointed out that present accused was already in custody of another offence yet police did not seek his custody till the another court has pointed out said fact in the anticipatory bail order. It indicates that physical custody of accused is not necessary for completion of investigation. Even after arresting the accused police sought short police custody and after three days custody, investigation officer did not seek further police custody. It shows his non requirement for interrogation and completion of investigation. The entire investigation rests on documentary evidence which is already obtained by investigation machinery. The informant and other investors have not come with clean hands and suppressed the existence of notarized agreements executed by them in favour of the accused persons. They concealed civil nature of dispute. Moreover it is stated that police did not take any step to interrogate the accused for nearly three months though F.I.R. was registered on dtd. 10.07.2025. The alleged transactions had taken place in the year 2019 but the F.I.R. came to be registered on dtd.10.07.2025. The delay so caused in filing complaint clearly shows the intention of informant and others to set criminal law in motion just for the purpose of recovery.

8. The remand papers shows that accused has fully co-operated with the investigation machinery. The investigation stands

completed and charge-sheet has been filed in Court. The investigation qua the present accused is already complete. Therefore the custody of accused is no more required. The record shows that role played by present accused and other co-accused is identical and similar. All other co-accused have already been enlarged on anticipatory bail. Therefore, the accused is invoking doctrine of parity. The investigation papers shows that out of Rs.5,03,40,110/-, and amount of Rs.2,06,74,898/- was already refunded and yet informant approached the police authorities saying about cheating only in respect of partial balance amount. The F.I.R. clearly shows that the accused represented that amounts would be invested in share market and the amounts were actually invested accordingly. It is not the case of prosecution that said amount were invested elsewhere or utilized by the accused for his own benefit. The statements and contents of F.I.R. are contradictory to each other.

9. Furthermore, it is stated that Section 420 and 406 of I.P.C. cannot co-exist. On said point he placed reliance on the authority in the case of **"Delhi Race Club (1940) Ltd. and Ors. Vs. State of U.P. and Ors., MANU /SC/ 0934 /2024"** in which it is held in para 43 that, " it is high time that police officers across the country are imparted proper training in law so as to understand the fine distinction between the offence of cheating viz-a-viz criminal breach of trust. Both offences are independent and distinct. The two offences cannot co-exist simultaneously in the same set of facts. They are antithetical to each other".

10. Relying upon the ratio laid in above authority, it is stated that the entire investigation is faulty. Therefore accused is entitled to be released on bail.

11. Above all, the ld. advocate for accused has described specifications in para 28 to 38 of bail application concerning the alleged real transactions and as to how the offences are not made out against the accused. Since said facts touches to the merits of the case which cannot be considered unless evidences are recorded, I have not discussed the same in the present application.

12. Inter-alia to this, ld. advocate for accused has specifically submitted that in another offence pending against the accused, he is released on bail. The bail papers are produced on record. Moreover, it is vehemently submitted that the arrest of present accused is in fragrant contravention of the law laid down by Hon'ble Apex Court. The mandatory requirement of furnishing grounds of arrest in writing has not been complied with in relation to the accused nor the same are furnished to his family members or relatives. The father of accused merely received written intimation of arrest without furnishing substantive grounds of arrest as mandated by law thereby rendering the arrest illegal and violative of Article 22(1) of the Constitution of India. The written grounds of arrest served on the accused are not properly acknowledged by the investigation machinery. Therefore said arrest is vitiated. In said circumstances, the person arrested cannot be lawfully remained in custody even for a second.

13. Hence on all above grounds, ld. advocate for accused prayed for release of accused on bail. He further submitted that the maximum punishment provided for all offences is 7 years and therefore as per the settled principles of law, he is entitled to be released on bail as bail is the rule and jail is an exception. He also put-forth the medical condition of accused as well as his parents who are allegedly suffering from severe diseases. The family background of accused having two minor daughters and their educational status is also put-forth for

consideration of his plea for bail. Lastly he undertakes that he will assist the prosecution and will not directly or indirectly make any threat, promise or inducement to any witness and will not tamper the prosecution investigation.

14. Ld. A.P.P. and investigation officer filed reply below Exh.10 and opposed the bail application on various grounds. It is stated that charge-sheet is filed but investigation officer has already sought permission for continuation of investigation as per Section 173(8) of Cr.P.C. It is conveyed that the process of audit and seeking necessary permission from Government regarding the assets of accused is still undergoing. The accused has not co-operated in said process. The offence is relating to economic transactions and plenty of investors have invested huge money with the accused. The role played by this accused is different than other accused persons. The amount of investors has been received by the present accused and his firm. The accused remained absconding for considerably long time. It is further pointed out that accused had the dishonest intention since from the beginning. Initially accused gave 4% returns per month as per assurance to pretend the compliance and get the faith of all investors for further investments. If the accused had executed written agreements for hand-loan transactions, he need not repay any amount as returns. The oral arrangement of assurance of 4% return per month is sufficient to attract the offence under M.P.I.D. Act. The statements of witnesses recorded by investigation machinery shows as to how the investors have paid money to the accused persons though net banking. 15 investors have come forward till the date and alleged applications of hand-loans are only in respect of 9 investors. The actual financial transactions of the investors are much more than the amounts mentioned in the agreement. Even there is one agreement alleged to have been signed by the wife of one investor Hemant Kumar but actually it is not signed by her. The

statement of investors regarding investments made by them through net banking are supported by the bank entries. When the agreements shows less amount and when the actual investments are much more than said amount, it can be certainly inferred that the transaction was not simply of hand-loan but was the investment assuring returns attracting the offence under Section 3 and 4 of M.P.I.D. Act. The offences are made out against all accused persons.

15. The present applicant is the master mind. He is the person who was running the investment firm. In the search of his house they found the papers in the name of "Capital Gain Financial Services" and also the Shop Act License in the same name. Six bill of exchange receipts and certain cheques are also searched in his house. He also committed fraud of similar nature by the name of Capital Gain Financial Services at Mulund also and in this area he committed the same fraud under the name of "Vaishnavi Enterprizes, PP Financial Services, Arnav Money Control, Anvita Financial Services", etc. The investment amount is huge. The investigation regarding online fraud and share market fraud is still continued. The accused is involved in similar offence at Mulund also. If he is released on bail, there is possibility of his abscondance and tampering of prosecution witnesses. The investigation machinery is still investigating about the investments, movable and immovable assets of accused as per the provisions of M.P.I.D. Act. The case of present accused is on higher and separate footing than other accused persons. Therefore accused is not entitled for grant of bail either on merit or on the ground of parity.

16. It is clearly submitted that there is no contravention of mandatory law laid down by Hon'ble Apex Court regarding arrest of accused. The grounds of arrest are furnished to the accused as well as his close relative i.e. father in compliance of provisions of Section 47

and 48 of B.N.S.S. 2023 as well as Article 22 (1) of Constitution of India. The arrest is legal and it is legally conveyed to the accused and his relatives in compliance of statutory provisions. Said agitation regarding illegal arrest or non submission of grounds of arrest has not been made by accused at the time of his initial remand. The compliance papers are placed on record. There is no term like partial compliance or unsatisfactory compliance of the statutory provisions. Hence accused cannot seek bail on said ground.

17. I have gone through the available record as well as the rulings cited and relied upon by Ld. advocate for accused at the time of advancing oral arguments. The advocate for accused has relied upon number of reported judgments as cited below:-

(1) On the point of illegal arrest and non compliance of statutory provision regarding furnishing grounds of arrest to the accused and his relatives-

1) **“Pankaj Bansal Vs. Union of India (UOI) and Ors. MANU/SC/1076/2023”**.

2) **“Prabir Purkayastha Vs. State (NCT of Delhi), MANU/SC/0435/2024”**.

3) **“Vihaan Kumar Vs. State of Haryana and Ors. MANU/SC/0161/2025”**.

4) **“Mihir Rajesh Shah Vs. State of Maharashtra and Ors. MANU/SC/1492/2025”**.

5) **“Mahesh Pandurang Naik Vs. The State of Maharashtra and Ors. MANU /MH/ 4383/2024”**.

6) **“Mr. Ajit Kisan More Vs. The State of Maharashtra, 2025, BHC-AC : 34859 – DB”**.

7) “Kapil Vinodpal Singh Choudhari Vs. State of Maharashtra, MANU /MH / 1065/ 2026”.

8) “Suresh G.Motwani Vs. State of Maharashtra and Ors., MANU/MH/ 0456/2003”.

9) “Shailesh Kumar Singh Vs. State of Uttar Pradesh and Ors. , MANU/SC/ 0933/2025”.

(2) On the point of innocence of accused and falsity of prosecution case-

1) “Sanjay Ramdas Borkar Vs. State of Maharashtra, Cri. Appeal No.563 of 2021”.

2) “Sanjay Chandra V. CBI, MANU/SC/1375/2011”.

3) “Delhi Race Club (1940) Ltd. And Ors. Vs. State of Uttar Pradesh and Ors., MANU/SC/0934/2024”.

4) “P. Chidambaram Vs. Central Bureau of Investigation, MANU/SC/ 1456/2019”.

5) “Prabhakar Tiwari Vs. State of U.P. and Ors., MANU/SC/ 0085/2020”.

6) “Chetan Kisan Patil Vs. State of Maharashtra, Bail Application No.1304 of 2024”.

7) “Ritu Chhabaria Vs. Union of India and Ors., 2023 Live law (SC) 352”.

8) “Sudhir Ramrao Devkate Vs. State of Maharashtra, 2024 BHC-AUG: 14938”.

(3) On the point of parity -

1) **<u>“Satendra Kumar Antil Vs. Central Bureau of Investigation and Ors., MANU /SC/0851/2022</u>”**.

I have gone through the law laid down in all the above authorities minutely.

18. Ld. advocate for accused also produced certain documents on record such as, medical bills issued by Breach Candy Hospital, Mumbai in respect of accused no.1, copy of hospital bills issued by Manisha Universal Multi Specialty Hospital, Mumbai in respect of accused no.1, medical certificate issued in respect of father of accused no.1 and discharge summary issued by WINS Hospital in respect of mother of accused no.1. However, these documents pertaining to accused no.1 and his mother relates to the period of the year 2021 and the year 2011 respectively. The same do not show the present medical status of them. Hence the same is not considered as vital factor on which bail can be granted to the accused.

19. I have gone through all the above reported judgments and ratio laid down therein. The relevant portion of the same has been discussed in the order at relevant places.

20. The record shows that the charge-sheet is filed containing all documents relating to production warrant, remand papers and investigation material collected by investigation officer. At the outset, it is evident from record that there are total five accused persons arrayed as accused in this crime and present applicant i.e. accused no.1 is portrayed as main accused and mastermind of crime. Other four accused persons are already released on anticipatory bail on different grounds few amongst them are no criminal history, permanent residence in India, non possibility of flee from India, no requirement of custodial

interrogation being offence based on documents already collected and undertaking at bar given by the accused persons that they would not deal with any movable or immovable property and ready to give all details of movables and immovables to Court and investigation officer, etc.

21. Ld. advocate for accused no.1 prayed for application of parity doctrine for accused no.1. For said purpose he placed reliance on the ratio laid down by Hon'ble Apex Court in **"Satendra Kumar Antil Vs. Central Bureau of Investigation, MANU/ SC / 0851 /2022"** specifically at Para 71 in which it is held, "Uniformity and certainty in the decisions of Court are the foundations of judicial dispensation. Persons accused of the same offence shall never be treated differently either by the same Court or by different Courts. Such an action, though by an exercise of discretion despite being a judicial one, would be a grave affront to Article 14 and 15 of the Constitution of India".

22. I have gone through the ratio laid down in the above landmark authority of Hon'ble Apex Court which is illustrative of categorization of offences for the purpose of bail consideration. The economic offences are also dealt with in the same ruling. With all due respect, I found that the above ratio cannot be made applicable in the present set of facts. The above ratio clarifies and requires uniformity and certainty in the decisions of the Court and it is observed that the accused with same offence shall never be treated differently either by the same Court or by the same or different courts. Said findings comes with the observations made in para 68 of the same judgment. It is observed that "the Court must be alive to the need to safeguard the public interest in insuring that the due enforcement of criminal law is not obstructed. The fair investigation of crime is an aid to it. Equally it is the duty of Courts across the spectrum, the district judiciary, the High

Courts and the Supreme Courts…. To ensure that the criminal laws does not become a weapon for the selective harassment of citizens".

23. I would like to submit that the findings in para 71 comes in connection with the selective harassment of citizens. The issue regarding parity in between co-accused in the present matter is a different aspect. The prosecution has clearly indicated the role played by accused no.1 in the present crime.

24. Ld. advocate for accused no.1 prayed for application of parity doctrine. However record shows that the disputed firm is initially and substantially run by accused no.1. He is the person who went to the house of informant and influenced their mind by making assurance of heavy returns and refund of entire principal investment amount after one year which is in reality not possible for fair economic transactions. He is the main person running the firm having the business of investments of financial assets, capital gain, etc. He is the person who developed the above scheme of 4% monthly return and refund of entire principal amount. There is no material on record to show that such heavy returns and refund of principal amount within short period of one year is visible for any firm involved in the business of investments and share market. The accused no.1 though speak about execution of hand-loan agreements on the basis of friendly terms with so called investors, he failed to satisfy as to how he needed to accept such heavy principal amount as friendly loan. Such transactions with more than 15 persons is just unanticipated for common man. The hand-loan transactions with more than 15 persons appears to be doubtful. Per contra, the allegations made by the informant regarding assurance of share marketing business appears more probable in the given circumstances. Said scheme has been allegedly developed by accused no.1, therefore he cannot be equated with other accused persons. Secondly, on the point of

criminal antecedents, it is depicted from the record that accused no.1 is arrayed as accused in Crime No.250/2025 for same offences by Mulund Police Station and presently is in M.C.R. in said matter. Admittedly, he is released on bail but the papers produced by the accused himself shows that he is released on default bail and not on regular bail. Said record sufficiently shows criminal antecedents of accused no.1 and his involvement in similar kind of offences. There is no circumstance visible on record that this accused has been subjected to selective harassment. Therefore, I hold that accused no.1 is not entitled for getting benefit of parity doctrine as the role laid by him and other co-accused is neither identical nor similar.

25. Now rest of the arguments advanced by ld. advocate for accused are potentially divided in two compartments, i.e. (1) allegation regarding non compliance of mandatory provisions of Section 47 and 48 of B.N.S.S., 2023 and Article 22 (1) of the Constitution of India by investigation officer vitiating the entire remand process and arrest of accused; and, (2) innocence of accused, want of dishonest intention and no merits of prosecution case.

26. The first and foremost consideration is to observe whether arrest of the present accused no.1 is in fragrant contravention of the law laid down by Hon’ble Apex Court in the rulings cited by ld. advocate for accused and provisions of Section 35, 47 and 48 of B.N.S.S., 2023. For consideration of said issue I have given thoughtful consideration to all remand papers produced by the prosecution along with charge-sheet. Ld. advocate for accused has vehemently argued that mandatory requirement of furnishing the grounds of arrest in writing was never complied with in relation to this accused nor was his family has been furnished with said grounds of arrest. Mere intimation of arrest to the father of accused is not sufficient compliance. On said point he placed

reliance on the ratio cited in the case of **"Vihaan Kumar Vs State of Haryana and Ors., MANU /SC /0161 /2025"**. I have gone through the ratio laid down in said authority in para 36. It is observed that, "Therefore, the purpose of communicating the grounds of arrest to the detenue, and in addition to his relatives as mentioned above is not merely a formality but to enable the detained person to know the reasons for his arrest but also to provide the necessary opportunity to him through his relatives, friends or nominated persons to secure his release at the earliest possible opportunity for actualizing the fundamental right of liberty and life as guaranteed under Article 21 of the Constitution. Hence the requirement of communicating the grounds of arrest in writing is not only to the arrested person, but also to the friends, relatives or such other person as may be disclosed or nominated by the arrested person, so as to make the mandate of Article 22 (1) of the Constitution meaningful and effective failing which, such arrest may be rendered illegal".

27. It is stated by ld. advocate for accused that grounds of arrest are not communicated to accused and not satisfactorily communicated to his father.

28. As discussed above, the ld. advocate for accused placed reliance on the authorities in the case of **"Pankaj Bansal Vs. Union of India, Prabhir Purkayastha Vs. State, Vihaan Kumar Vs. State of Haryana, Mihir Rajesh Shah Vs. State of Maharashtra, Mahesh Pandurang Naik Vs. State of Maharashtra, Mr. Ajit Kisan More Vs. State of Maharashtra, Kapil Vindorao Singh Choudhary Vs. State of Maharashtra, Suresh Motwani Vs. State of Maharashtra, Shailesh Kumar Singh Vs. State of U.P."** on the same point of illegal arrest and non compliance or contravention of law laid down by Hon'ble Apex Court regarding communication of grounds and reasons of arrest to the

accused as well as his relatives. I have gone through the ratio cited in all the above landmark judgments of Hon'ble Apex Court and High Courts. It is observed in all the rulings that "the right to be informed about the grounds of arrest flows from Article 22 (1) of the Constitution of India and any infringement of this fundamental right would vitiate the process of arrest and remand. Mere fact that a charge-sheet has been filed in the matter, would not validate the illegality and unconstitutionality committed a the time of arresting the accused and the grant of initial police custody remand to the accused".

29. The above law laid down is applicable in all criminal cases of remand of accused and it is mandatory for the investigation machinery to make compliance of said statutory and constitutional provision. At the same time, the duty is casted upon the Court also while entertaining remand of accused to satisfy whether grounds of arrest are communicated to the accused and his relatives. Therefore I have read over the remand papers of this matter. As it transpires, the present accused was in M.C.R. in Crime No.250/2025 of Mulund Police Station. His production warrant has been issued by District and Sessions Judge No.2, Islampur on dtd.01.10.2025. No objection has been given by the presiding officer of Court No.7, Addl. Sessions Judge, Mumbai i.e. Designated Court under M.P.I.D. Act, 1999 for Greater Bombay. Accordingly, the accused came to be arrested by E.O.W. branch, Sangli, as per the production warrant and no objection given by the above Special Court. The prosecution has produced the checklist in compliance of Section 35(3)(6) of B.N.S.S., 2023 in which reasons and grounds of arrest are mentioned. Prosecution has produced the details furnished to the father of accused Mahadev Shamrao Yadav dated 13.10.2025 as per Section 48 of B.N.S.S., 2023 regarding arrest of accused. It is informed in said letter that the involvement of accused no.1 has been established in the investigation, therefore they are

arresting accused Jitendra Mahadev Yadav in Crime No.300/2025. The letter bears signature of father of accused no.1. This fact is not disputed anywhere by the accused. Again I have seen from the record that ground of arrest has been communicated by investigation officer to the accused in compliance of Section 47 of B.N.S.S., 2023. Specific five grounds are mentioned in said letter. It bears the signature and thumb impression of accused in acknowledgment of said letter. Further prosecution has produced the intimation letter given to accused as per Section 47(1) (2) of B.N.S.S., 2023 regarding information and reason for arrest to the accused.

30. The above documents clearly indicates the compliance made by investigation officer in proper manner. The grounds of arrest are specifically communicated to the accused as well as his father. Undoubtedly, the arrest form shows that column 8 regarding furnishing grounds of arrest to the accused is kept blank by the investigation officer. This is the only irregularity committed by the investigation officer. However the above documents placed on record in the charge-sheet clearly indicates that investigation officer has duly communicated grounds of arrest to the accused and his father. Above all, it is a matter of great concern that most of the co-accused are relatives and close persons of accused no.1. They are already released on bail and aware of all details of investigation. The accused no.1 is produced on production warrant from the crime relating to similar offences. Therefore it is very well visible that accused and his relatives were clearly aware of the nature of accusation against them. At the background of these facts, I hold that the above communication of reasons and grounds of arrest is sufficient in given circumstances. Therefore looking to said circumstances, I hold that it is not a case of infringement of fundamental right or statutory right of accused which flows from Article 22(1) of Constitution of India and Section 47 and 48

of B.N.S.S., 2023. The arrest is legal and need not be vitiated. Above all it is visible that ld. Remand Court, while entertaining first remand of accused has recorded his satisfaction about compliance of said provision i.e. communication of grounds of arrest to accused, in the remand order. At that time, accused did not object recording of said satisfaction and even did not communicate the Court that grounds of accused were not communicated to him. Hence looking to said compliance, I hold that same cannot be the ground for release of accused on bail.

31. So far as second aspect regarding innocence of accused is concerned, I have perused the statements of witnesses recorded by the investigation officer. I have gone through the detailed data provided by the investigation officer regarding investments made by around 15 investors in the firm of accused on their assurances regarding huge returns and refund of principal amount after one year. It is no where visible from record that the transaction between accused and investors was just hand-loan transaction. It is visible that the offence comes under the category of economic offence. Therefore though the offences are punishable with maximum punishment of 7 years, the same cannot be weighted like other offences and for the criteria for bail consideration in said offences the precedents in the case of **"P. Chidambaram Vs. Directorate of Enforcement, MANU/SC/1670/2019"** and **"Sanjay Chandra Vs. C.B.I., MANU/SC/1375/2011"** are squarely applicable. Undoubtedly, the investigation is almost complete and charge-sheet is placed on record. However in the charge-sheet itself, the investigation officer sought permission of Court for continuation of investigation as per Section 173(8) of Cr.P.C. It is orally conveyed that the investigation regarding the movable and immovable assets of accused in connection with provisions of M.P.I.D. Act 1999 is still going on and the process of audit and necessary permission and sanction is in pipeline of investigation. Accused no.1 is involved in the serious offence like

cheating or criminal breach of trust. Whether the offence under Section 420 or 406 of I.P.C. are made out or not is question to be determined after detailed trial. Only on the ground of application of two separate set of offences which cannot co-exist, the accused cannot be released on bail when material investigation regarding the crime regarding M.P.I.D. Act and cheating, etc. has been placed on record. The accused is already involved in the similar offence which shows his criminal antecedents. In said circumstances, if he has been released on bail, there is every possibility of flee away from justice and tampering with the prosecution witnesses.

32. Hence looking to said circumstances, I hold that the accused is not entitled to be released on bail at this juncture. Accordingly, I proceed to pass following order:-

<u>ORDER</u>

Application stands rejected.

ACHALA HARSHAVARDHAN KASHIKAR

Digitally signed by ACHALA HARSHAVARDHAN KASHIKAR
Date: 2026.04.24 17:09:49 +0530

(A. H. Kashikar)
Additional Sessions Judge,
Islampur.

Date: 24/04/2026.

CERTIFICATE

I affirm that the contents of this P.D.F. file are same, word to word, as per original order.

Name of the Stenographer	:	S.W.Pathan, (Steno Grade-I)
Court Name	:	Adhoc District Judge-1 & Addl. Sessions Judge, Islampur.
Date of Order	:	24/04/2026
Signed by P.O. on	:	24/04/2026
Uploaded on	:	24/04/2026