

MHST01-000705-2024**IN THE COURT OF SPECIAL JUDGE, SATARA : AT SATARA
SPECIAL CASE No.53 of 2024****The State of Maharashtra****...Complainant****Vs.****Nanasaheb Baban Bhosale****...Accused**

Mr. N.D. Muke, A.P.P. for the State.

Mr. V.A. Deshmukh, Advocate for accused

**Coram: Mr. S. R. Tamboli,
The Special Judge, Satara,****:: ORDER BELOW EXH.3 ::**

In the instant case, prosecution prayed to cancel the anticipatory bail granted to the accused by virtue of the order dtd. 12.01.2024 passed in Cri.B.A.No.837/2023.

02. In short, the factual matrix as described in the F.I.R. reveals that Mandar Sharad Wagh, the informant is resident of Phaltan, District Satara. He was running wholesale business of chocolates. In the month of December 2022, he came into contact with accused Nanasaheb Baban Bhosale, who assured him to increase his business. In the month of January 2023, Nanasaheb took him in 'Vishwakarma Super-mart Services Pvt. Ltd.' which is situated at Ganesh Chowk, Kodoli, Satara. He introduced the infomant with accused Sachin Pandit, Shital Pandit and Jivan Shirke. They assured him that they were in contact with various

Malls situated at Phaltan, Wai, Pune, Indapur etc. and they would give him orders of chocolates on condition of investment of money in their Company. All assured that if the informant invests in their Company, they would give him handsome returns as well as commission, if he collects other investors. By keeping trust and relying on their assurance, the informant invested Rs.12,00,000/- on his own name as well as on the name of his wife Bhakti. As he was in need of money, he demanded the amount invested. Accused Nanasaheb switched off the phone. Other co-accused gave evasive answers. In May 2023, meeting was called in Hotel 'Sai-Samrat'. At that time, accused Sachin, Shital and Jivan were present. Near about 200 to 300 investors were present. The accused assured to pay the amount after a period of four months. However they did not pay the amount. Hence, he filed the F.I.R.

03. Accused Nanasaheb filed Cri.B.A. No. 837/2023 for anticipatory bail. On 12.01.2024, my predecessor-in-title (Mr.D.L.Nikam, the then Addl. Sessions Judge, Satara) allowed the application and granted anticipatory bail to the accused.

04. In the backdrop of these facts, Mr. N.D.Muke, the Ld. A.P.P. for the State submitted that initially, the F.I.R. was filed U/ss.406, 409 and 420 r/w.34 of I.P.C. against the accused. During the investigation, it is transpired that accused cheated to various investors. Hence, offence under Ss.3, 4 of the M.P.I.D. Act, came to be added. The F.I.R. was registered on 10.12.2024. Sections under the provisions of M.P.I.D. Act added on 18.10.2023. Accused suppressed the addition of the crime under the provisions of the M.P.I.D. Act. The then Ld. A.P.P. also failed to bring these facts to the notice of the Court. Accused is the main kingpin in the commission of offence. He collected amount of Rs.120 crores. The

amount has been transferred in the account of his relatives. He has also withdrew the amount. The custodial interrogation of the accused is necessary in order to trace out the trail of the money siphoned by the accused. The Investigating Officer has to carry out the investigation. The custodial interrogation is the accepted mode of investigation. Accused has committed serious offence in conspiracy with the co-accused in planned and systematic manner. There is a prima-facie case against the accused. Hence, anticipatory bail granted to the accused be cancelled.

05. Per contra, Mr. V.A. Deshmukh, the Ld. Counsel for the accused submitted that accused has no concern with the offence. One year has been passed after the grant of the anticipatory bail. Charge-sheet is already filed. Nothing has to be seized from the accused. The case is based on documentary evidence. The I.O. collected the bank record. As charge-sheet is filed, there is no need for making additional investigation. Application is filed to harass the accused. No amount has been found in the Bank account of the accused. Hence, he prayed to reject the application.

06. It is important to note that while granting anticipatory bail dtd.12.01.2024, neither accused nor prosecution brought to the notice of the Court about the addition of the crime under the provisions of the M.P.I.D. Act. No doubt, there is reference about 200 to 300 investors in the F.I.R. However, said fact is not noticed by my predecessor-in-title. The statements recorded by the I.O. shows that accused collected the amount of Rs.120 crores. The amount more than 100 crores has been siphoned by the accused. It is a huge amount. The F.I.R. as well as the statements of witnesses prima-facie shows that accused is the main kingpin of the crime. In such cases, custodial interrogation is necessary. Custodial

interrogation is the accepted mode of investigation.

07. I am well aware that bail can be cancelled in exceptional circumstances. However in the present case, anticipatory bail was granted on the apprehension of the arrest of the accused in the false case. However, the statements of the witnesses and documents on record prima-facie shows that accused is kingpin in the commission of the crime. He is the main accused, who collected the amount from the investors. I.O. has right to carry out the investigation. Additional investigation is right of the I.O. The Court cannot shut the doors of the investigation. Hence, anticipatory bail granted to the accused needs to be cancelled. In the result, I pass the following order :

ORDER

- 1) Application (Exh.84) is allowed.
- 2) Anticipatory bail granted to the accused Nanasaheb Baban Bhosale in Cri.B.A.No.837/2023 in connection with C.R.No. 874/2023, registered at Satara City Police Station is hereby cancelled.
- 3) Accused to surrender in Satara City police Station forthwith.
- 4) The I.O. is at liberty to arrest the accused.
- 5) The I.O. is at liberty to take appropriate steps against surety of the accused in order to secure presence of the accused.
- 6) Copy of this order be sent to concerned police station.
- 7) Application (Exh.84) is disposed-of accordingly.

Date- 24/03/2025

(S.R.Tamboli)
District Judge-2 &
Addl. Sessions Judge, Satara