

MHTH270010942025



ORDER BELOW EXH.4 IN MPID SPL. CASE NO.104/2025

Sumeet Kisan Pawar vs. The State of Maharashtra

(Date : 13.10.2025)

After being arrested in connection with Crime No.15/2024 of APMC Police Station, District Thane for offences punishable under Sections 406, 420, 120B of Indian Penal Code and Section 3 of The Maharashtra Protection of Interest of Depositors (In Financial Establishments) Act, 1999 (hereinafter 'MPID Act'), the applicant / **accused no.1 Sumeet Kisan Pawar** has applied for regular bail under Section 483 of The Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter 'BNSS').

2- Facts of the C.R. No.15/2024 :-

Succinctly leveling a variety of allegations and narrating the sequence of events in all, the contents of the charge-sheet disclose that the applicant and other co-accused persons formed two establishments namely Universal Car Rental Solution and Universal Car Rental Solution LLP along with Universal E-Bike Solution, floated schemes assuring Rs.7,000/- per month on electric scooty and Rs.60,000/- to 75,000/- per month on cars, they lured the investors and

committed fraudulent default in repayment of Rs.75,66,642/- and they thereby committed above offences.

3- Rival claims :-

a) The applicant has prayed to admit him to bail by contending the applicant has been falsely implicated in the case and nothing incriminating has been recovered from him, the applicant is innocent and has not committed any offence whatsoever, the statement of the informant was recorded on 09.12.2023, F.I.R. was registered on 17.01.2024 and the applicant was arrested after a year on 04.03.2025, the applicant is sole earning member of his family, there is no likelihood of the applicant tampering with the prosecution evidence, the investigation of the case *qua* the applicant is over and no useful purpose would be served if he is denied bail.

b) The investigating officer has filed say (Exh.7) and he asserts that the F.I.R. and statements under Section 180 of BNSS specifically name the applicant and his role in the offences, the applicant changed his names multiple times such as Rahul Bhosale, Ankush Pawar, the applicant is the kingpin and there is every possibility that he will siphon the money if released on bail, the applicant will tamper prosecution witnesses, the applicant will commit similar offence if released on bail and he will not cooperate with the process of law, therefore, the bail application be dismissed.

4- Arguments :-

a) Learned counsel appearing for the applicant urges that after reading the F.I.R. there are no grounds for believing that the applicant has committed any offence under MPID Act, custodial interrogation of the applicant is no more required in the backdrop of the fact that after initial police custody the applicant is eventually remanded to judicial custody, the magnitude of the offence cannot be a sole criterion for denying the bail to the applicant, the applicant is ready to abide by any bail condition, the applicant is permanent resident of Mumbai, Maharashtra State and there is no chance of his absconding, the applicant is respectable man of the society and he has never come to the adverse notice of any law enforcing authority, the applicant is not previously convicted and therefore he be released on bail.

b) *Per contra*, learned A.P.P. has strongly resisted the application by arguing that the allegations against the applicant are serious and are sufficient to demonstrate commission of offences punishable under Sections 406, 420, 120B of I.P.C. and Section 3 of MPID Act, the applicant cannot claim innocence and ignorance in the facts and circumstances of the case, although there is no judgment of conviction of the applicant his conduct itself is showing his criminal mindset, the applicant is a person wielding considerable influence, he is affluent and therefore the application be dismissed in the interest of justice.

5- Analysis :-

After hearing learned counsels for both the sides and going through the record with their valuable assistance and after considering the matter deeply, there appears no reasonable ground for believing that the applicant has committed an offence punishable with death or imprisonment for life only. The say given by investigating officer does not disclose that the applicant had been previously convicted of an offence punishable with death, imprisonment for life or imprisonment for seven years or more or the applicant had been convicted on two or more occasions of a cognizable offence punishable with imprisonment for three years or more but not less than seven years.

6- The facts narrated in the charge-sheet disclose that around Rs.75,66,642/- was allegedly accepted as deposits from the investors in the names of the above said establishments by the applicant and the same was never returned or benefit thereof was never given to the investors as promised. In this connection, it is material to note that charge-sheet came to be filed on 20.05.2025 and there is no recovery of any misappropriated amount from the applicant. Another important aspect is that after registration of F.I.R. on 17.01.2024, the applicant was arrested after around 1 year and 2 months. The other co-accused i.e. Farooq Sayyad with the

investigating officer and he was never arrested during investigation. The co-accused Bhagyashri Rithe was protected from arrest by this Court vide its order in April, 2024. The co-accused Nisha Gosavi was never arrested during investigation. All these persons were equally responsible for the management of the establishments. As they are not in custody, there is no likelihood of completion of trial in near future. As such keeping the applicant behind bars will not serve any purpose. The applicant states that he is permanent resident of Mumbai, Maharashtra. As such, no flight risk is associated with the applicant. The applicant is in judicial custody which means his presence with the police is no more required for investigation. The magnitude of the offence can not be the only criterion for denial of bail. The apprehension of the investigating agency that the applicant will jump the bail and will not cooperate in the trial can be taken care of by imposing stringent conditions.

7- In **Sanjay Chandra Vs. C.B.I. [2012(1) SCC 40]** the Hon'ble Apex Court has laid down that the object of bail is neither punitive nor preventive, deprivation of liberty must be considered a punishment, unless it is required to ensure that an accused person will stand his trial when called upon, the Court owe more than verbal respect to the principle that the punishment begins after conviction and every man is deemed to be innocent until duly tried and duly found guilty. The Hon'ble Apex Court has propounded that the provisions of

Cr.P.C. confer discretionary jurisdiction on criminal Courts to grant bail to the accused pending trial or an appeal against convictions and the jurisdiction has to be exercised with great care and caution by balancing the valuable right of liberty of an individual and the interest of the society in general. In **P Chindambaram Vs. Enforcement Directorate [2019 SCC Online 1549]** the Hon'ble Apex Court has deduced, after taking note of various precedents, that basic jurisprudence relating to a bail remains the same in as much as the grant of bail is the rule and refusal is the exception so as to ensure that the accused has the opportunity of securing fair trial.

8- Taking into consideration the totality of the facts and circumstances emanating from the record, the nature and gravity of the accusation, the reasons discussed herein above and without commenting further anything on merits, *lest* it may prejudice the case of either sides during the course of trial, it is just and proper to direct that the applicant be released on bail. Hence, order.

ORDER

1.	The application (Exh.4) is allowed and disposed off.
2.	The applicant/ accused no.1 Sumeet Kisan Pawar , Age 32 Yrs. Occu. Service, R/o Ganga Singh Bhiyyachi Chawl no.02, Room no.10, G D Ambedkar Road, Ambewadi, Kalachouki Tank Road, Mumbai 400033, is enlarged on bail in Crime No.15/2024 of APMC Police Station, District Thane for offences punishable under Sections 406, 420, 120B of I.P.C. and Section 3 of MPID Act on his furnishing

	PR. bond of Rs.50,000/- and one or more sureties in the like amount.
3.	The applicant shall report to APMC Police Station, District Thane on first Sunday of every month between 10.00 a.m. to 11.00 a.m. till further order and he shall be released by the police after recording his presence.
4.	The applicant shall not commit an offence similar to the offence of which he is accused.
5.	The applicant shall attend in accordance with the conditions of bond executed by him.
6.	The applicant shall make himself available for interrogation by the Police Officer as and when required.
7.	The applicant shall inform about change of his residential address during investigation and/ or inquiry and/or trial of the case to the Court and to the investigating officer.
8.	The applicant shall give his mobile number to the investigating officer and shall keep the mobile phone operational at all times.
9.	The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of the case so as to dissuade him from disclosing such facts to the Court or to the police officer or tamper with the evidence.
10.	Violation of any of the above conditions by the applicant could result in the immediate cancellation of the bail granted.
11.	This order be communicated to concerned police station for information forthwith.
12.	Soft copy of this order be sent by e-mail to the applicant

	through Jail Superintendent forthwith.
13.	For the sake of abundant precaution, it is made clear that the view expressed herein above is for decision of bail application and it shall not be construed as any opinion having bearing on the outcome of the trial.

Date : 13.10.2025

(C. V. Marathe)
Additional Sessions Judge, Belapur.

CERTIFICATE

I affirm that the contents of this PDF judgment /order are same word to word as per the original order.	
Name of the Stenographer	: M. P. Joshi, Steno Grade-1
Name of the Court	: District Judge-1 & Addl. Sessions Judge, Belapur.
Date of the Judgment/Order	: 13.10.2025
Judgment /Order signed by the P.O. on	: 13.10.2025
Judgment/Order uploaded on	: ----

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