

In the Court of Additional Sessions Judge, Wardha.

Criminal Bail Application No.62/2026
(CNR:MHWR010003142026)

Manoj Banduji Nimbulkar ..V/s.. State of Maharashtra, Through P.S.O., Arvi, Tah.Arvi, Dist.Wardha.	...	Applicant
	...	Non-applicant

Order below Exh.1

(Passed on 12th March, 2026)

The present application is filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 seeking anticipatory bail in connection with Crime No.3/2026 registered at Police Station Arvi for the offences punishable under Sections 316(5), 318(2), 318(3) and 3(5) of the Bharatiya Nyaya Sanhita, 2023.

2] The prosecution case, in brief, is that the informant, who is the Branch Manager of Bharat Financial Inclusion Ltd., lodged a report on 01.01.2026 stating that the said financial institution provides loan primarily to strengthen the financial position of women members. After disbursement of loan, the responsibility of collecting installments is entrusted to Union Managers appointed by the Branch.

3] The present applicant was one of the persons appointed for recovery of loan installments from the members. During verification of accounts, it was allegedly found that the applicant had collected an amount of ₹10,85,929/- as loan pre-closure amount from 52 members. The said amount was required to be deposited in the office at Arvi. However, the applicant failed to deposit the same and allegedly misappropriated the said amount. On the basis of the report, the

aforesaid crime came to be registered and investigation commenced. During the course of investigation, the Investigating Officer recorded statements of witnesses. The applicant has approached this Court seeking anticipatory bail.

4] According to the applicant, he has been falsely implicated in the present crime. It is contended that no individual customer has lodged any complaint against him. It is further submitted that the informant himself, being the Branch Manager, is the real culprit in the matter. The applicant submits that he has been performing his duties for the last two to three years without any complaint. It is also contended that there is a delay of about one year and eight months in lodging the F.I.R. against the applicant, which creates doubt about the prosecution case. It is further submitted that the applicant is an innocent person and the sole breadearner of his family, and therefore he deserves to be granted anticipatory bail.

5] The application is strongly opposed by the Investigating Officer by filing a reply at Exh.6. It is contended that the present applicant is the main accused in the crime. During the period from 07.05.2024 to 19.07.2024, the applicant allegedly collected loan amounts from 52 members to the tune of ₹10,85,929/- and failed to deposit the said amount in the Arvi office.

6] It is further contended that custodial interrogation of the applicant is necessary to ascertain the manner in which the said amount was misappropriated, to identify possible associates involved in the offence and to trace the utilisation of the misappropriated amount. On these grounds, it is prayed that the application be rejected.

7] I have heard the learned Advocate for the applicant and the learned Additional Public Prosecutor for the State at length. I have also carefully perused the application, the reply filed by the Investigating Officer, the First Information Report and the case diary placed for my perusal.

8] At the outset, it is not in dispute that the present applicant was working as a Recovery Agent appointed by Bharat Financial Inclusion Ltd. for the purpose of collecting loan installments from members of the financial institution. The prosecution case, as reflected from the F.I.R. and the case diary, shows that during the course of verification of accounts conducted by the Branch Manager, it was allegedly found that the applicant had collected an amount of ₹10,85,929/- from 52 members towards loan pre-closure payments during the period from 07.05.2024 to 19.07.2024.

9] The said amount was required to be deposited with the Arvi Branch Office of the company. However, according to the prosecution, the applicant failed to deposit the said amount and thereby misappropriated it for his personal use.

10] The statements of several members recorded by the Investigating Officer prima facie indicate that the members had paid the pre-closure amounts in cash to the present applicant in his capacity as Recovery Agent. These statements prima facie support the allegation that the applicant had collected the said amount from various members.

11] The learned Advocate for the applicant has argued that the applicant has been falsely implicated and that no individual customer has directly lodged a complaint against him. It is also argued that the

informant himself, being the Branch Manager, is responsible for the financial irregularities and that the applicant is being made a scapegoat. However, at this stage, the Court is only required to consider whether prima facie material exists against the applicant and whether custodial interrogation is necessary for effective investigation. A detailed appreciation of evidence is not required at this stage.

12] The learned Advocate for the applicant has also pointed out that there is a delay of about one year and eight months in lodging the F.I.R. against the applicant. However, considering the nature of the alleged offence involving financial transactions and internal verification of accounts, such delay by itself cannot be considered fatal to the prosecution case at this preliminary stage. Needless to say, after conducting due enquiry and collection of documents, F.I.R. was lodged. Therefore there is satisfactory explanation about delay in F.I.R.

13] The case diary placed before the Court indicates that a substantial amount of ₹10,85,929/- is involved in the present crime. The prosecution has alleged that the said amount collected from 52 members has not been deposited with the company and the whereabouts of the said amount are yet to be ascertained.

14] In cases involving financial misappropriation and breach of trust, custodial interrogation of the accused often becomes necessary to ascertain the exact manner in which the offence was committed, to identify possible associates involved in the offence and to trace the utilisation or diversion of the misappropriated amount.

15] The Investigating Officer has specifically contended that custodial interrogation of the applicant is required to trace the misappropriated

amount and to ascertain whether any other persons were involved in the commission of the offence. If the applicant is granted anticipatory bail at this stage, it may adversely affect the investigation and hamper the efforts of the Investigating Agency in unearthing the full details of the crime. I found much force in this contention raised by the Investigating Officer.

16] It is well settled that the power under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 to grant anticipatory bail is discretionary in nature and such discretion is required to be exercised cautiously, particularly in cases involving serious economic offences and allegations of criminal breach of trust and misappropriation of public or institutional funds.

17] Having regard to the nature and gravity of the allegations, the substantial amount involved in the offence and the necessity of custodial interrogation for effective investigation, I am of the opinion that this is not a fit case to exercise the discretionary relief of anticipatory bail in favour of the applicant. As a result, I proceed to pass the following order.

Order

- (i) Criminal Bail Application No.62/2026 stands rejected.
- (ii) The case diary be returned to the Investigating Officer forthwith.
- (iii) The concerned Police Station be informed accordingly.

Date: 12/03/2026

(S.A.S.M. Ali)
Additional Sessions Judge,
Wardha.

CERTIFICATE

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

(Madhav A. Chaudhari)
Stenographer