



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION [BA] NO. 83 OF 2026.

Ramprasad Arjunrao Nitnaware

-VERSUS-

State of Maharashtra.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Shri A.S. Mardikar, Senior Advocate with Shri K.M. Pande,
Advocate for the Applicant.
Shri A. Chutke, A.P.P. for the Non-applicant/State.

CORAM : M.M. NERLIKAR, J.

DATE : MAY 05, 2026.

Heard.

2. The applicant came to be arrested in connection with Crime No.172/2024 registered with Risod Police Station, District Washim for the offence punishable under Sections 406, 409, 420, 465, 468, 471 read with Section 34 of the Indian Penal Code.

3. The first information report came to be lodged by Vitthal Bhimrao Deshmukh. The applicant was appointed as

Chief Executive Officer of the Rushiwat Shetkari Utpadak Company Limited, Karda, Tahsil Risod, District Washim (Company) w.e.f. 10.08.2016 and was dealing with day to day affairs of the said Company. There are various allegations in the report that the applicant has misused his power as the Chief Executive Officer, and thus have committed misappropriation of more than Rs.7 Crores. Hence, the report.

4. The learned Senior Counsel appearing for the applicant submits that serious allegations have been levelled against the applicant without any evidence on record. Though the applicant is shown as the Chief Executive Officer and is dealing with day to day business of the Company, nothing has been placed on record to show that he is engaged in day to day affairs of the Company. The allegations against the applicant is that he had purchased food grains from farmers however, the dues of farmers were not paid. The learned Senior Counsel submits that so far as these allegations are concerned, admittedly the applicant is working as the Chief Executive Officer of the Company, he has purchased

food grains in the name of the Company and those food grains are kept in the godown of the Company. The food grains were sold to traders, who have deposited the amount in the account of the Company. It is submitted that so far as the cheques, which are issued, those have been issued to the farmers by the applicant in the capacity of the Chief Executive Officer of the Company, and not in his individual capacity. It is further submitted that another allegation is that the applicant has issued vouchers showing payment of cash amount to 30 farmers, who do not exist, however, there is absolutely no evidence to support the same. So far as the charge sheet is concerned, it contains extract of his personal account maintained with his bank i.e. Bank of India, wherein Rs.92 lakhs is shown to be deposited by some traders in cash. It is submitted that the applicant is also engaged in other business and deals with food grains, and said act cannot be connected with the present crime. Whatever food grains have been purchased from the farmers by the Company, they were sold to the traders and the traders have deposited the amounts towards the said sale in the account of the Company. Not a

single statement is shown in the entire charge sheet by which it can be said that the traders have paid the amount in cash to the applicant. Further, in the account extract of the Bank of India, the transaction shown is of Rs.92 lakhs only. Therefore, according to the learned Senior Counsel, there is absolutely no material to connect the applicant with the misappropriation of Rs.7,82,06,741/-.

5. So far as the allegation that the applicant has deposited an amount of Rs.15 lakhs in the account of one Balaji Pacherne is concerned, even there is no connection with this account with the affairs of the Company, as there is no material to connect the said transfer with the present crime. Therefore, according to the learned Senior Counsel, all these events cannot be connected with the alleged crime. It is submitted that entire material is collected by the investigating agency and therefore, further custody of the applicant is not required, as the entire case is based on documentary evidence. The investigating officer has already recorded statements of the victims, wherein they have stated that their cheques were dishonoured and separate proceedings are initiated by them

against the Company, therefore, it is submitted that the applicant cannot be made liable for the affairs of the Company. Lastly it is submitted that considering the nature of allegations, and the material collected during investigation by the investigating officer, the applicant deserves to be released on bail, since he is languishing in jail since 31.07.2025 i.e. almost for 10 months.

6. On the other hand the learned A.P.P. vehemently opposes the application by submitting that the applicant is involved in misappropriation of more than Rs.7 Crores. He has duped the Company by purchasing food grains in the name of the Company from farmers and selling it to the traders, when there was no funds in the account of the Company, he has issued cheques to the farmers, which were dishoured. This is nothing but a systematic fraud committed by the applicant. The applicant has not only duped the farmers, but, also cheated the Company and due to the acts of applicant, the Company is in crises. To substantiate his arguments, he has pointed out statements of farmers wherein, the farmers have specifically stated that the applicant had given

them cheques which were dishonoured. The applicant has also issued vouchers in fictitious names and grabbed that amount personally. A chart is tendered across the bar showing names, amounts and date and number of voucher, which were issued in the name of certain persons. It is also submitted that cash was withdrawn by the applicant, and said amount is shown to have been paid to fictitious persons. The learned A.P.P. has pointed out that there are transactions in the personal account of the applicant to the tune of Rs.92 lakhs, and this fact itself goes to show that the applicant is involved in siphoning of the amount of the Company. Not only this, the applicant has deposited an amount of Rs.15 lakhs in the account of one of the employee namely Balaji Pacherne, and later on he has withdrawn the said amount in cash, which could be gathered from the statement of the account holder i.e. Balaji Pacherne. Lastly it is submitted that the applicant does not deserve to be enlarged on bail, due to gravity of the offence and involvement of huge amount.

7. I have heard the rival submissions of the parties. It is not in dispute that the applicant is working with a Company

7

which is dealing in the business of purchase of agricultural goods from farmers, the said goods are thereafter sold in the open market. It further appears that there was misappropriation more than Rs.7 Crores from the Company. It is alleged in the first information report that the applicant is working as Chief Executive Officer of the Company and engaged in day to day affairs of the Company. It is to be noted that from the statement of farmers, it appears that the applicant had purchased goods/food grains from them with a promise to give them higher price. It further appears that the applicant has issued cheques to them, however, those cheques were dishonoured and farmers initiated separate proceedings against the Company. It is further to be noted that all the cheques involved were issued in the name of the Company, however, the applicant is the signatory on the said cheques. Already farmers have filed complaint under Section 138 of the Negotiable Instruments Act for dishonour of cheques. It is further to be noted that all the cheques were issued by the applicant on behalf of the Company.

8. No doubt, the applicant is an employee of the Company. Prima facie there is misappropriation of amount of

Rs.7,82,06,741/-, however, it is to be noted that the account extract, which was placed with the charge sheet only shows misappropriation of Rs.92 lakhs, there are no other account statements which are placed on record to show that there is misappropriation of more than Rs.7 Crores. At this juncture, it is relevant to mention that even presuming for a moment that the applicant has purchased food grains from farmers in the capacity of Chief Executive officer, it appears from record that the applicant has sold those food grains to various traders, wherein the statement of traders goes to show that amount has been deposited in the account of the Company. Not a single statement disclose that the traders have paid any amount to the applicant in the capacity of he being Chief Executive Officer of the Company or in his personal account. In such circumstances, so far as the allegations in this respect against the applicant are concerned, prima facie appears to be misconceived.

9. So far as another allegation is concerned about vouchers showing payments made to 30 farmers, who are fictitious persons, it is to be noted that absolutely there is no

document on record showing that the persons in whose names vouchers were issued showing cash transactions, were not in existence. In such circumstances, even this allegation of the prosecution fails.

10. As regards the transaction of Rs.92 lakhs shown in the personal account extract of the applicant (Bank of India) which has been made part and parcel of the charge sheet, wherein cash is deposited by some traders is concerned, the learned Senior Counsel appearing for the applicant has stated that the applicant is having other sources of income, and there is every possibility that the amount was deposited towards other business in that account. This contention will have to be accepted for the reason that there is no statement of the traders showing that the amount was deposited by the traders in cash in the personal account of the applicant. In absence of this material, it is very difficult to connect those deposits with the alleged crime.

11. The learned A.P.P. has submitted that while conducting investigation it also transpired that an amount of Rs.15 lakhs was deposited in the account of Balaji Pacherne,

and later on the said amount was withdrawn by said Balaji on the say of the applicant. To that effect, the learned A.P.P. has pointed out the account statement of said Balaji. However, it is to be noted that there is absolutely no documentary or oral evidence showing that this amount of Rs.15 lakhs have been received from the Company or from the traders to whom the Company has sold the food grains. There is every possibility that considering the other source of income of applicant, he would have deposited the said amount in the account of Balaji. In such circumstances, I find that though there are serious allegations against the applicant, however, sufficient material was not collected or placed on record by the investigating officer to support such allegations. In such circumstances, when the investigation is complete, charge sheet is filed and the offence relates to documentary evidence, and documents have been collected, further custody of the applicant is not shown to have been required. The applicant is behind bars since 31.07.2025. Considering the over all discussion above, I am inclined to grant bail to the applicant. Hence, this order.

ORDER

- (i) Criminal Application is allowed and disposed of.
- (ii) The applicant /accused Ramprasad Arjunrao Nitnaware be released on regular bail in connection with Crime No.172/2024 registered with Risod Police Station, District Washim for the offence punishable under Sections 406, 409, 420, 465, 468, 471 read with Section 34 of the Indian Penal Code, on his furnishing P.R. Bond of Rs.50,000/- with two sureties in the like amount.
- (iii) The accused shall not enter within the territorial jurisdiction where the informant is residing, till the completion of the trial.
- (iv) The accused shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also shall not tamper with the evidence.
- (v) The accused shall provide his residential address and cell number to Police Station concerned and shall not change his place of residence without prior intimation to the Investigating Agency.
- (vi) The accused shall attend each and every date of trial regularly. If he fails to attend the trial for one single date, or fails to comply with the aforesaid conditions, his default would entail

the State to ask for cancellation of bail.

- (vii) The above observations are prima facie in nature, and restricted for the purpose of deciding this application. The Trial Court shall not get itself influenced by said observations, during the course of trial.
- (viii) Misc. Applications, if any, are also disposed of.

JUDGE