2026:BHC-NAG:7015

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

CRIMINAL APPLICATION [BA] NO. 1166 OF 2025.

Dineshchandra Prabhudayal Sharma
-VERSUS-
The 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 B.W. Patil, Advocate for the Applicant.
Shri A.A. Madiwale, 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.433/2024 registered with Beltarodi Police Station, Nagpur City for the offence punishable under Sections 420, 406, 409 read with Section 34 of the Indian Penal Code.

3. The first information report came to be lodged by Suryanarayan Dolipala alleging that Rani Durgawati Wardha District Adivasi Sahakari Sutgirni Maryadit, Yerla (Sutgirni)

had published a tender notice for construction of new mill, and the tender came to be allotted in favour of Transrail Lighting Limited (Company), where the informant is working. The tenderer was called upon to deposit refundable security deposit of 1% of the tender amount on 05.12.2018, which was accordingly deposited. Work order was issued in favour of the Company, however the site was not handed over for initiating construction work. The amount of security deposit was also not returned to the Company, hence the report.

4. The learned Counsel for the applicant submits that the applicant is behind bars since 10.12.2024. It is submitted that there are allegations of misappropriation against the applicant who is working as Managing Director of the Sutgirni. Though it is alleged that an amount of Rs.3,45,99,443/- is misappropriated, however, those are mere allegations and not a single rupee is transferred in the account of the applicant. That the Sutgirni where the applicant is working as the Managing Director has issued a tender for construction of new Mill in July 2018 and pursuant to that the informant/company has submitted its bid. After completing

entire formality, negotiations and discussions about the new project, an amount of Rs.3,45,99,443/- was deposited in the account of the Sutgirni on 15.12.2018. Though the applicant is working as the Managing Director of the Sutgirni, entire affairs of Sutgirni was in the hands of accused nos.1 and 3. The informant/company has deposited an amount of Rs.3,45,99,443/-, however, the Directors, who are accused nos.1 and 3, and are main accused and they have not taken any steps to initiate construction work on the proposed site, and therefore, the informant asked for return of the security deposit as per the terms and conditions of the agreement. As the said amount was not returned, the aforesaid first information report came to be lodged against the applicant and others. It is further submitted that it cannot be said to be a misappropriation, and at the most it could be said breach of agreement, however, even that cannot be attributed to the applicant. Therefore, as the applicant is behind bars since 10.12.2024, investigation is complete and charge sheet is filed, he be released on bail.

5. On the other hand the learned A.P.P. vehemently

opposes the application by submitting that this is nothing but, cheating as envisaged within the meaning of Section 420 of the Indian Penal Code. The applicant being the Managing Director of the Sutgirni has played an important role in the entire episode along with other accused with common intention and in order to dupe the informant/company they have issued tender. Accordingly the informant/company has deposited an amount of Rs.3,45,99,443/-, however, they have not handed over the site for construction purpose, and thus have misappropriated the amount. It is submitted that out of said amount, an amount of Rs.16 lakhs has been taken by the applicant and so far as the remaining amount is concerned, the same is misappropriated by accused nos.1 and 3. It is therefore, submitted that this cannot be termed as mere breach of agreement, but, with common intention the accused persons have floated a tender, permitted the informant/ company to deposit the amount and have not permitted the company to initiate the work. This by itself is sufficient to attract penal provisions. The learned A.P.P. therefore, submits that the application be rejected.

6. I have considered the rival contentions of the parties. It is not in dispute that Sutgirni has floated a tender for construction of new mill. The informant/company is the successful bidder and it has deposited an amount of Rs.3,45,99,443/- with Sutgirni on 15.12.2018. So far as the role of the present applicant is concerned, prima facie it appears from the record that he is the Managing Director of the Sutgirni. Prima facie it also appears that out of the amount of Rs.3,45,99,443/-, an amount of Rs.16 lakhs was transferred in the account of the applicant on various dates. Though there are allegations against the applicant, however, the fact remains that the applicant has not misappropriated the entire amount of Rs.7 Crores. Considering the fact that the applicant is behind bars since 10.12.2024, coupled with the fact that investigation is over and charge sheet is filed, I am inclined to grant bail to the applicant. Hence the following order.

ORDER

(i) Criminal Application is allowed and disposed of.

(ii) The applicant /accused Dineshchandra Prabhudayal Sharma be released on regular bail in connection with Crime No.433/2024 registered with Beltarodi Police Station, Nagpur City for the offence punishable under Sections 420, 406, 409 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 i.e. one local surety and one surety who is permanent resident of Bani Pura, Agra, Uttar Pradesh.

(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