

Amberkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 1039 OF 2026

Ajay Pramod Shrivastav	.. Applicant
Versus	
State of Maharashtra	.. Respondent

WITH
INTERIM APPLICATION NO. 2699 OF 2026
WITH
CRIMINAL APPLICATION NO. 1039 OF 2026

Maharashtra Samaj Seva Sangh, Nashik	.. Applicant
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IN THE MATTER BETWEEN

Ajay Pramod Shrivastav	.. Applicant
Versus	
State of Maharashtra	.. Respondent

WITH
INTERIM APPLICATION NO. 2605 OF 2026
WITH
CRIMINAL APPLICATION NO. 1039 OF 2026

Satish Philip Kalsekar	Applicant / .. Intervenor
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IN THE MATTER BETWEEN

Ajay Pramod Shrivastav	.. Applicant
Versus	
State of Maharashtra	.. Respondent

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- Mr. Satyavrat Joshi a/w Mr. Yash Fadtare, Mr. Ishan Paradkar, Mr. Priyesh More, Ms. Indrayanee Pandit & Navaz Dordi, Advocates for Applicant
- Mr. Amit A. Palkar, APP for State
- Mr. Amol Shinde, Advocate for Original Complainant
- Mr. Sangharsha Apte (Shakya) a/w Mr. Dinesh R. Sonawane & Mr. Vilas Sonawale, Advocates for Applicant in IA 2605/26
- Mr. Anuj Tiwari, Advocate for Applicant in IA 2699/26

- R.K. Thoke, PSI, Sarkarwada Police Station, Nashik

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CORAM : MILIND N. JADHAV, J.

DATE : AUGUST 28, 2026

P.C.:

1. Heard Mr. Joshi, learned Advocate for Applicant; Mr. Palkar, learned APP for State; Mr. Shinde, learned Advocate for Original Complainant, Mr. Shakya, learned Advocate for Applicant / Intervenor in IA 2605/26 & Mr. Tiwari, learned Advocate for Applicant / Intervenor in IA 2699/26.

2. Applicant seeks to challenge the order dated 17.03.2026 by virtue of which the Application for cancellation of bail granted to the Applicant vide order dated 27.12.2017 stands allowed by learned Sessions Court on the ground that Applicant has violated an essential bail condition as granted in the order passed by the Sessions Court. The operative part of the order dated 27.12.2017 is reproduced below for immediate reference:-

"1. Application is allowed.

2. Applicant Ajay Pramod Shrivastav be released on bail on his executing P.R. bond of Rs.30,000/-with one or two sureties to make up the amount, on the condition that he shall co-operate the investigating authority in investigation, shall not tamper with the evidence, shall attend Sakarwada police station as and when called by the IO till filing the charge sheet, shall not misuse his position as a Director and newly constituted body, shall not alienate any property of the N.D.T.A., shall not withdraw the cash amount of the N.D.T.A. with criminal intent and attend all court dates.

3. Bail in lower court."

3. Mr. Shinde, Mr. Shakya and Mr. Tiwari, learned Advocates appearing for the intervenors seek intervention. They would attempt to vehemently oppose the present Application seeking to quash and set aside the impugned order dated 17.03.2026.

4. Briefly stated, Mr. Joshi has persuaded me to peruse the aforesaid order and would contend that the impugned order dated 17.03.2026 does not consider the issue of any intent being made applicable on the part of Applicant and has in paragraph No. 5 of the said order merely recorded the submissions on the ground that in view of the alienation of the properties, the said condition stands violated. He would submit that it is indeed true that after passing of the aforesaid order, the Company namely NDTA has executed 12 specific transactions of transfer of properties, the details of which are stated on page No. 58 of the Application filed for cancellation of bail. He would submit that these transactions are carried out by the Company pursuant to specific separate Board Resolutions having been passed and on following the due process of law. The copies of the said Board Resolutions are also appended to the Application. He would submit that it is recorded in the said Board Resolutions that the Applicant would abstain from voting and participating insofar as the decision for alienation of the property is concerned which stands recorded therein. He would submit that in that view of the matter and the same having

been accordingly noted by the Board of Directors by passing the said resolution as can be seen from page No. 69 of the Application, the finding which has been returned by the learned Trial Court in paragraph No. 6 is a *prima facie* incorrect and wrong finding. He would submit that after the Board Resolution has been passed and the Board of Directors having decided to transfer the properties of the Company, the Applicant has in fact thereafter signed certain directory resolutions which would amount to mere certification and cannot be made equivalent to he having participated in taking any decision making process for alienation of the property. He would submit that before cancellation of bail, the Applicant has not even been heard and no investigation has been done by the prosecution in this direction.

5. *Per contra*, Mr. Shinde appearing for original Complainant would submit that one such Resolution dated 14.04.2023 regarding alienation of the one property has been signed exclusively by the Applicant. He has placed the same before me. On perusal of the same, it is *prima facie* seen that the said resolution is merely directory in nature pursuant to the consent of Board of Directors of having resolved to authorize another director of the company to sign and execute the lease deed, agreement and the other documents. *Prima facie* perusal of the said Board Resolution cannot be equated with the Applicant having taken any decision with regard to alienation of the

property. It is *prima facie* seen that the Applicant has played very safe in ensuring that he does not compromise or unsettle the conditions for bail because at the end of the said conditions, the words "criminal intent" are specifically mentioned by the concerned Court while granting bail.

6. Mr. Shinde has also persuaded me to consider the facts of the case. Though he has argued very passionately facts which *prima facie* may appeal to any person listening to him, but insofar as the present Application is concerned, I need not detain myself by considering them, lest it would probably affect not only the trial in the present case but also the subsequent 3 FIRs which have been filed *qua* the actions / omissions of the Applicant which are on a separate cause of action pertaining to the role of Applicant in alienating the 12 properties of the Company. He would submit that the issue of Board of Directors is also a misnomer in the present case since the family members of the Applicant and his associates are the other directors. He would also submit that the Registrar of Companies is not informed about the actions which have taken and therefore there is dereliction on the part of the said Company.

7. All those submissions can undoubtedly be pointed out either by the intervenors or by the prosecution in the subsequent FIR proceedings which are filed for separate cause of action. Insofar as

the issue of Applicant being involved to the extent of having any criminal intent in alienating the properties rather the 12 properties which are placed before me is concerned, the Board Resolutions are clear and since the Company is a distinct legal entity and it has so accordingly certified, I am not in a position to accept the submissions made by Mr. Shinde and embark upon a fishing and roving inquiry in the present Application which pertains to violation of bail condition.

8. Mr. Tiwari, learned Advocate for another intervenor has argued and drawn my attention to page No. 58 and submit that he is in fact concerned with one such transaction carried out by the Company which is listed at Sr. No. 8 in the said Application. He would submit that his client has a long standing substantiated lease deed with regard to the said property and notwithstanding that lease deed, the said property is now being sold by the concerned Company to a third party on meager terms and returns by way of another lease deed and agreement to sale *qua* the same property belonging to his client. If that is the case, this is a purely civil transaction and issue and all contentions of the said intervenor are expressly kept open to enable him to approach the Civil Court for seeking appropriate injunctive reliefs as may be available to him in accordance with law. The intervention of the intervenor to the extent of this Court giving a finding on the issue of criminal intent in the aforesaid facts and

circumstances does not arise and therefore the request made by Mr. Tiwari stands rejected.

9. Mr. Shakya, learned Advocate for another intervenor would submit that operative part of the order dated 27.12.2017 needs to be considered on the basis of issue of criminal intent on the part of the Applicant. Mr. Shakya may be right in his contention but that would be a separate cause of action and only if he is able to show the extent of criminal intent that may have crept in any of the transactions which have been entered into by the Company, the Company being a distinct legal person has categorically decided to offload the properties concerned by passing appropriate resolution. The facet of involvement of Applicant and to the extent of his criminal intent cannot be argued merely across the bar. These are the issues of facts. I am informed that the three intervenors before me and some other persons has filed three separate FIRs pursuant to the aforementioned 12 transactions of the alienation of the 12 properties of the Company. All contentions of the parties who have filed the further FIRs are expressly kept open without this Court opining anything on merits therein

10. Insofar as the issue of criminal intent is concerned, the learned Sessions Court in paragraph No. 6 of the order dated 17.03.2026 has completely misdirected himself and returned a wrong finding. Said order cannot be sustained merely on the ground of the Company

having alienated the properties. Right for alienation of the properties is in fact duly conferred on the Company by virtue of the impugned order itself, therefore the order dated 17.03.2026 is unsustainable and it is quashed and set aside. Resultantly the Application for cancellation of bail dated 13.10.2025 is rejected. The original order dated 27.12.2017 stands confirmed.

11. Needless to state that if any consequential action has been taken by the learned Magistrate with regard to issuance of any non-bailable warrant on the basis of the order dated 17.03.2026, same stands cancelled.

12. All contentions of the intervenors are expressly kept open without this Court giving any imprimatur on merits of the matter.

13. Criminal Application No. 1039 of 2026 is disposed of in the above terms. Pending Interim Application Nos. 2699 of 2026 and 2605 of 2026 are also disposed.

[MILIND N. JADHAV, J.]

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