



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**BAIL APPLICATION NO. 915 OF 2023
WITH
BAIL APPLICATION NO. 917 OF 2023**

ANIRUDHA BALKRISHNA JOSHI ..APPLICANT
VS.
THE STATE OF MAHARASHTRA ..RESPONDENT

**WITH
INTERIM APPLICATION NO. 1741 OF 2023
IN
BAIL APPLICATION NO. 915 OF 2023
WITH
INTERIM APPLICATION NO. 1740 OF 2023
IN
BAIL APPLICATION NO. 917 OF 2023**

SACHIN BABASAHEB DANGAT ..APPLICANT
VS.
THE STATE OF MAHARASHTRA ..RESPONDENT

Adv. Meghshyam Kochrekar a/w Adv. Harshad Bhadbhade
and Adv. Vrishali Raje and Adv. Shagufa Patel for the
Applicant.

Mr. Mutahhar Khan a/w mMr. Chirag Sancheti i/b Bulwark
Solicitors for the Intervener.

Ms. Rutuja Ambekar, APP for the State.

API S.M. Nika, Sinhgad Road Police Station, Pune City.

CORAM : M. S. KARNIK, J.

DATE : OCTOBER 25, 2023

P.C. :

- 1.** Heard learned counsel for the applicant, learned counsel for the intervener and learned APP for the State.
- 2.** These are the applications for bail in respect of the offence punishable under Sections 406, 420 read with Section 34 of the Indian Penal Code (IPC) registered on 02/02/2022 vide C.R. No.51 of 2022 and in respect of the offence punishable under Sections 406, 417, 420, 120-B read with Section 34 of the IPC registered on 30/08/2021 vide C.R. No.316 of 2021. Both the C.Rs. are registered with Sinhgad Police Station.
- 3.** It is the case of the complainant that the applicant sold land situated in Village Vadgaon to the complainant in 2014 for the consideration of Rs.9 Crores. It was subsequently revealed that the property was already mortgaged to the bank. There was some understanding between the parties in the year 2018 and accordingly, some of the properties belonging to the applicant were handed over to the complainant as compensation. It was realised that even those properties were not free from

encumbrances. The worth of the properties which were handed over as and by way of compensation, according to the learned counsel for the complainant, are hardly of Rs. 1 Crore. He submits the complainant has spent a substantial amount for clearing the encumbrances on the properties as a result of the loan that the applicant had obtained from the bank. Learned counsel for the applicant submitted that the properties are worth Rs. 8 Crores and 30 Lakhs.

4. Learned counsel for the complainant invited my attention to the order passed by the Hon'ble Supreme Court granting interim protection from arrest to the applicant on certain conditions. Before the Hon'ble Supreme Court, the undertaking was given by the applicant that the applicant shall appear before the concerned Investigating Officer on 16/08/2022 with a pay order in the sum of Rs.15.5 Crores in favour of Bank of Baroda. This is recorded in the order dated 05/08/2022 of the Hon'ble Supreme Court which is at page 62 of the paperbook. On this condition, interim protection was granted to the applicant. However, since there was a failure to make the deposit of Rs.15.5 Crores,

the investigating officer proceeded to arrest the applicant on 17/10/2022.

5. Learned APP and learned counsel for the complainant invited my attention to various documents to indicate that the conduct of the applicant disentitles him from getting the facility of bail. It is further submitted that there was a clear representation on the part of the applicant that the properties handed over to the complainant in 2018 by way of compensation were free from encumbrances and repeatedly the applicant has breached the trust reposed by the complainant. It is submitted that the offence ex-facie is made out.

6. There is undoubtedly merit in the submission of the learned counsel for the complainant that the conduct of the applicant deserves to be adversely commented upon as he has not honoured the statement made before the Hon'ble Supreme Court while seeking interim protection from arrest. Suffice it to observe that for such breach, the applicant has suffered the consequence of arrest and has been in pre-trial custody for a period of more than one year.

7. I had enquired with learned counsel about the stage of the trial. It is submitted that even the charges have not been framed. The trial is likely to take a long time to conclude. All the properties of the applicant are under attachment and as per the learned counsel for the applicant, he is not now in possession of any immovable property. The financial institutions as well as the complainant are already in possession of whatever properties the applicant owned and possessed. It is reiterated on behalf of the applicant, on instructions, that the applicant does not own and possess any other immovable property. Learned counsel for the applicant submits that if it is found that the applicant possesses any other immovable property/properties, then the applicant shall have no objection if the same is/are attached by the concerned financial institution or the complainant in accordance with law. Further on instructions, it is stated that the applicant has no intention to travel abroad during the pendency of the trial for any reason whatsoever and that the applicant shall stay in Mumbai to face the trial. The

statements are accepted as undertaking to this Court.

8. A grievance is made that the applicant's brother who is a co-accused has been absconding and that he is a resident of the United States of America (USA). The co-accused, the applicant's mother who is 66 years of age and the applicant's wife have already been enlarged on bail. The bank accounts of the applicant are already frozen by the investigating agency. In such view of the matter, despite the persuasive submissions of learned counsel that the complainant has been cheated, in my opinion, having regard to the fact that this is an application for bail which I am considering, any further incarceration of the applicant will only be by way of a pre-trial punishment in the facts and circumstances of the present case. The applicant will face the consequences post-trial if found guilty.

9. It is submitted that the applicant failed to provide any fixed residential details and an apprehension is expressed that the applicant is likely to abscond if granted bail. An affidavit has been filed by Rohan Aniruddha Joshi- son of the applicant, stating that the applicant will reside with him

at the address mentioned in the affidavit and he will take care of him. The statements made in the affidavit filed by Rohan Aniruddha Joshi are accepted as an undertaking to this Court. Further, the applicant has filed his affidavit mentioning that he has surrendered his passport to the investigating agency. In this view of the matter, the applicant can be enlarged on bail by imposing stringent conditions. Hence, the following order :-

ORDER

- (a) The applications are allowed.
- (b) The applicant- Anirudha Balkrishna Joshi in connection with C.R. Nos.51 of 2022 and 316 of 2021 registered with Sinhgad Police Station shall be released on bail on his furnishing P.R. Bond of Rs.1,00,000/- with one or more local sureties in the like amount.
- (c) The applicant shall attend the Investigating Officer of Sinhgad police station, once a week, every Sunday of the week, between 12.00 noon and 2 p.m. for a period of 3 months and thereafter once in a month, every first Monday, between 12.00 noon and 2 p.m.
- (d) Except for attending the trial and for the purpose of reporting to the Investigating Officer, the applicant shall not leave Mumbai/Mumbai Suburban without permission of the

trial Court, till the conclusion of the trial.

(e) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any Police Officer. The applicant shall not tamper with evidence.

(f) On being released on bail, the applicant shall furnish his contact number and detailed residential address to the Investigating Officer and shall keep him updated, in case there is any change.

(g) The applicant and his son shall file an appropriate affidavit-cum-undertaking before the trial Court placing on record a copy of the leave and license agreement showing current residential address and shall keep the trial Court updated, in case there is any change.

(h) The applicant shall attend the trial regularly. The applicant shall co-operate with the trial Court and shall not seek unnecessary adjournments.

(i) The applicant and his son shall abide by the statements made in this Court and the affidavit-cum-undertaking filed.

10. The applications are disposed of. All the interim applications are disposed of.

(M. S. KARNIK, J.)