IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

Anticipatory Bail Application No.1541 of 2025

Vilas Ramchandra Pawar
Aged 69 years, Occ. Retired
Pensioner, R/o. Survey No.51/7,
Bhakti Marg, Near Narsinh
Mandir, Pandharpur,
Taluka Pandharpur, Dist. Solapur. … Applicant

versus

The State of Maharashtra
Through Karad City Police Station,
District Satara. … Respondent

Mr Ganesh Bhujbal, for the Applicant.
Mr Arfan Sait, APP, for Respondent / State.
Mr Rajesh P Mali, Karad City Police Station.

Coram: R.N. Laddha, J.
Date: 12 June 2025

P.C.:

This is an application for pre-arrest bail filed by the applicant, apprehending arrest in CR No.1651 of 2024, registered at Karad City Police Station, Satara, for offences punishable under Sections 204, 205, 336(3), 340(2), 118(1), 351(2), 352, 318(4), 319(2), 337 and 338 of the Bharatiya Nyaya Sanhita, 2023.

2. The prosecution alleges that between June 2023 and December 2024, the co-accused Shrikant, who is the applicant's son, posed as an IPS officer and falsely assured the informant that he could secure a job in the police department and deliver high returns from share market investments. He extended similar promises to the informant's brother as well. Trusting these assertions, the informant and his brother transferred around Rs.40,00,000/- to the co-accused in various instalments. To gain their confidence, the co-accused presented them with fake government e-mails, appointment letters, and other forged documents. Unfortunately, no job or returns materialised, resulting in the co-accused defrauding the informant and ten others of a total of Rs.79,59,782/-. The applicant is accused of aiding the co-accused in carrying out this offence. Further investigation revealed that Rs.13,41,000/- were transferred into the applicant's bank account, which he immediately withdrew.

3. Mr Ganesh Bhujbal, the learned Counsel appearing on behalf of the applicant, contends that the allegations presented in the FIR and the statements of the witnesses primarily implicate the co-accused, with no direct accusations made against the applicant concerning cheating or forgery. The applicant is alleged to have received a sum of Rs.13,41,000/- from the co-accused into his bank account, with the knowledge

that these funds were acquired through deceptive means. The learned Counsel emphasises that, despite there being a lack of material indicating that the applicant engaged in any form of cheating or forgery, the applicant is labelled as an absconding accused. Furthermore, Mr Bhujbal submits that the applicant was unaware of the alleged illicit origin of the funds, received from the co-accused, and has already returned the money to the individuals, demonstrating that he did not profit from these transactions. He also highlighted that the applicant has no prior criminal record and is willing to comply with any conditions that may be imposed by the Court if released on bail.

4. On the other hand, Mr Arfan Sait, the learned Additional Public Prosecutor representing the respondent/ State, opposes the applicant's request for pre-arrest bail. He highlights the concerning actions of the co-accused Shrikant, who cunningly masqueraded as an IPS officer. By exploiting the aspirations of victims, the co-accused made deceitful promises of lucrative job placements within the police department, ensnaring them in a web of false hope. To bolster his credibility, he fabricated a series of convincing yet fraudulent government e-mails, appointment letters, and various forged documents, thereby gaining their trust. In addition, he also lured victims with alluring promises of significant returns on investments in the

stock market, further deepening the deception. This deceitful scheme ultimately led to the co-accused fraudulently extracting over Rs. 39,00,000/- from the informant and his brother. The learned APP further explains that the co-accused used this *modus operandi* to swindle numerous other individuals, ultimately amassing a staggering total of Rs.79,59,782/-. As the investigation progressed, it was discovered that the co-accused had transferred a colossal sum exceeding Rs.13,41,000/- into the applicant's bank account, which the applicant swiftly withdrew. The applicant was not only cognisant of the dubious origin of these funds but also played an active role in facilitating the fraudulent scheme orchestrated by the co-accused. Mr Sait further emphasises that although a charge sheet has already been filed against the co-accused, the investigation against the applicant is still in its nascent stages. The applicant's custodial interrogation is necessary for tracing the funds involved and identifying individuals involved in this scheme. Furthermore, there are other victims, similarly situated, who have emerged to report their grievances. At this critical juncture, granting bail could severely undermine the investigation, potentially leading to the loss of vital links and the risk of the applicant influencing witnesses and tampering with evidence. Given the gravity of the offence, the learned APP submits that the present situation does not warrant the grant of pre-arrest bail.

5. This Court has given anxious consideration to the rival contentions canvassed across the Bar and perused the records.

6. It is a settled position in law that granting pre-arrest bail is an extraordinary power. While regular bail is generally considered the norm, the same principle does not apply to anticipatory bail. Considering each case's specific circumstances, the Court must exercise careful and prudent discretion when deciding whether to grant anticipatory bail. There is no straitjacket formula. Caution is necessary, as granting protection in serious cases could potentially hinder investigation or lead to a miscarriage of justice by allowing tampering with evidence. A profitable reference in this regard must be made to the Hon'ble Supreme Court's decision in *Srikant Upadhyay v. State of Bihar, 2024 SCC OnLine SC 282.*

7. Upon perusing the records, it appears that a fraudulent scheme was meticulously orchestrated by the co-accused, who is, notably, the applicant's son. The co-accused engaged in deceitful practices by posing as an IPS officer and assuring prospective victims of guaranteed job placements within the police department. To facilitate the execution of this elaborate scheme, an array of counterfeit email addresses purportedly

belonging to various institutions, including this Court, was created, accompanied by forged appointment letters and a host of other fraudulent documents. These fabrications were strategically employed to gain the unwavering trust of unsuspecting individuals desperate for employment. In addition to the false employment assurances, the co-accused further enticed victims by promising exceptionally lucrative returns on investments in the stock market. By employing these tactics, the co-accused successfully deceived the informant and numerous other victims, ultimately amassing a total of Rs.79,59,782/-.

8. Following the acquisition of these funds, the co-accused transferred a substantial sum of Rs.13,41,000/- to the applicant’s bank account. The applicant’s prompt withdrawal of these alleged funds has ignited considerable suspicions regarding his involvement in the alleged criminal acts. This forms the crux of the accusation that he was fully aware of the fund’s illicit origins, willingly accepted them, and actively assisted the co-accused. Notably, the applicant acknowledges that he received Rs.8,12,000/- from the co-accused and subsequently withdrew it. However, he maintains that he was oblivious to the acquisition of the alleged funds through dishonest means. The applicant claims that a total of Rs.7,06,036/- was refunded to specific individuals from whom

the co-accused had previously taken money. According to the applicant, these individuals are: Siddharath Adsule, Swapnil Pawar, Aakash Kshirsagar, Mahadev Bhujbal, Mohan Kawade, Shubham Patil, Shruti Patil, Rohit Pharkhande, and Shreekant Pawar. It is noteworthy that these individuals are neither witnesses nor the informant. Additionally, there is nothing on record to indicate that the applicant made these payments to settle the co-accused's legally enforceable debt. The exact nature of the transactions between the applicant and these individuals remains shrouded in ambiguity, necessitating the applicant's custody.

9. *Prima facie,* the material on record indicates that the applicant received the alleged illicit funds from the co-accused and withdrew them without hesitation, suggesting the applicant's involvement in the crime. Moreover, there are other similarly circumstanced victims, and further investigation is in progress. Given the seriousness of the offence, a comprehensive investigation is warranted to uncover the details surrounding the scheme, including the participation of other individuals and ascertaining the money trail.

10. In the totality of the circumstances, granting the applicant pre-arrest bail at this stage may hinder the progress of an

effective investigation. As a result, this Court is not inclined to exercise its discretion in favour of the applicant. Accordingly, the application stands rejected.

11. It is clarified that the observations made herein are *prima facie* only for determining the applicant's entitlement to pre-arrest bail.

(R.N. Laddha, J.)