

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

**Anticipatory Bail Application No.1839 of 2025**

1. Baban Vitthal Rupnawar

Age: 30 yrs, Occ: Farmer

2. Omkar Narayan Waghmode

Age: 30 yrs, Occ: Farmer,

3. Ganesh Vitthal Rupnawar

Age: 35 yrs, Occ: Farmer

All residing at Dombalwadi No.2,

Phodshiras Taluka- Malshiras

Dist. Solapur.

... Applicants.

Vs.

The State of Maharashtra

(Through Velapur Police Station,

Dist. Solapur)

... Respondent.

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Mr Ranjeet Pawar for the applicant.

Mr MG Patil, APP for the respondent / State.

ASI Premendra Khandagale, Velapur Police Station, Solapur  
(Rural).

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**Coram : R.N.Laddha, J.**

**Date : 9 July 2025.**

**P.C. :**

By this application, the applicants seek pre-arrest bail  
in connection with CR No.64 of 2025, registered at Velapur

Police Station, Solapur (Rural), for the offences punishable under Sections 318(4), 316(2), 303(2) read with Section 3(5) of the Bharatiya Nyaya Sanhita (BNS), 2023.

2. It is the case of the prosecution that the first informant, a retired Deputy Superintendent of Police residing in Pune, owns ten acres of farmland in Malshiras, Solapur. He knows the applicants as applicant No.1 had done farm levelling work for him in 2021. The informant wanted to construct an artificial lake, and applicant No.1 offered to help, quoting Rs.1,20,000/- for 60-65 hours of work. Trusting him, the informant, from time to time, paid Rs.5,40,910/- for diesel. However, the work was not satisfactory, and one barrel of diesel was stolen. The informant claims he was cheated of Rs. 4,20,910/-.

3. The learned Counsel appearing on behalf of the applicants submits that there has been an inordinate and unexplained delay of four months in lodging the FIR, which casts serious doubt on the credibility of the allegations. He further submits that the entire dispute, as narrated in the FIR, is purely of a civil nature and does not disclose the essential ingredients necessary to constitute any criminal

offence under the relevant provisions of law. The applicants have duly completed the assigned work in accordance with the specifications and requirements communicated by the first informant. However, the informant expressed dissatisfaction with the quality of the completed work. Instead of seeking civil remedies available under law, the informant, taking undue advantage of his status as a retired Dy.SP, has chosen to file a false and malicious complaint against the applicants with a view to pressurise and harass them. The learned Counsel further submits that there is no material on record indicating that the informant paid any additional amount beyond what was initially agreed upon. He further submits that no written agreement was ever executed between the applicants and the informant in relation to the work in question. Furthermore, he submits that nothing is to be recovered or discovered from the applicants. The investigation has already been concluded.

4. The learned APP, on instructions from the investigating officer present in the Court, fairly submits that the custodial interrogation of the applicants' is not required and has expressed no objection to the applicants being granted anticipatory bail.

5. Upon a perusal of the case record, it *prima facie* appears that the dispute between the informant and the applicants stems from issues that are predominantly civil in nature. The grievance essentially relates to the informant's dissatisfaction with the quality of work carried out by the applicants. The allegations levelled are vague and lacks substantive detail. Furthermore, there is a significant and unexplained delay of over four months in lodging the FIR. Notably, there is no documentary evidence on record to demonstrate that the informant paid an amount exceeding what was originally agreed. Additionally, there appears to be no formal written agreement executed between the parties outlining the terms and scope of the work. Moreover, the learned APP, based on instructions of the investigating officer, has acknowledged that custodial interrogation of the applicants is not necessary and has not opposed the plea for anticipatory bail.

6. In these circumstances and considering the nature of allegations, this Court is inclined to allow the present application. Hence, the following order :

ORDER

(i) In the event of the applicants'

arrest in connection with CR No.64 of 2025, registered at Velapur Police Station, Solapur (Rural), they shall be released on bail upon executing a PR Bond of Rs.25,000/- each and furnishing one or more sureties in the like amount.

(ii) The applicants shall attend the concerned Police Station as and when required by the investigating officer.

(iii) The applicants, themselves or through any other person, shall not tamper with the evidence or influence the witnesses.

7. The application stands disposed of accordingly.

**[R. N. Laddha, J.]**