

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1098 OF 2024

Prafull Dayanand Waghmare	...Applicant
<i>Versus</i>	
State of Maharashtra & Anr.	...Respondents

Mr. Gaurav Bhawnani, Advocate for Applicants.
Ms. R.V. Newton, APP for the State.
Mr. Abhijit Kulkarni with Mr. Amar Gharte and Ashok Kadam for Respondent No.2.
Mr. Raphael Shirsat- husband of Respondent No.2 present.
PSI, Munir Inamdar, Wanvadi Police Station, present.

CORAM: MADHAV J. JAMDAR, J.
DATED : 1st December 2025

P.C.:

1. Heard Mr. Bhawnani, learned Counsel appearing for the Applicant, Ms. Newton, learned APP for the State and Mr. Abhijeet Kulkarni, learned Counsel appearing for the Respondent No.2- First Informant.

2. This Application is filed under Section 438 of the Code of Criminal Procedure, 1973 seeking pre-arrest bail in connection with C.R. No. 157 of 2024 registered with Wanvadi Police Station, Pune City, for the offences punishable under Sections 406, 420

468, 120-B read with Section 34 of the Indian Penal Code and Section 3 of the Maharashtra Protection of Interest of Depositors (In Financial Establishments) Act, 1999.

3. As per the prosecution case, the Applicant and co-Accused have cheated the First Informant and the amount involved is Rs.1,23,46,987/-.

4. A learned Single Judge by Order dated 22nd April 2024 granted interim protection and the same has been continued from time to time till today. Thereafter a learned Single Judge by Order dated 3rd March 2025 after recording undertaking of the present Applicant to pay aggregate amount of Rs.1,13,00,000/- (wrongly mentioned as Rs.1,08,00,000/-) as per the schedule mentioned in the undertaking continued interim protection. Now the Applicant has submitted undertaking dated 29th November 2024 voluntarily agreeing to pay to the First Informant and her husband, total aggregate amount of Rs.1,13,00,000/- as per schedule set out in the said undertaking. The said schedule reads as under :-

Sr. No.	Amount	Date
1.	Rs.25,00,000/- (Rupees Twenty-Five Lakhs only)	On or before 06.01.2026
2.	Rs.13,00,000/- (Rupees Thirteen Lakhs only)	On or before 06.03.2026
3.	Rs.15,00,000/- (Rupees Fifteen Lakhs only)	On or before 06.05.2026
4.	Rs.15,00,000/- (Rupees Fifteen Lakhs only)	On or before 06.07.2026
5.	Rs.15,00,000/- (Rupees Fifteen Lakhs only)	On or before 06.09.2026
6.	Rs.15,00,000/- (Rupees Fifteen Lakhs only)	On or before 06.11.2026
7.	Rs.15,00,000/- (Rupees Fifteen Lakhs only)	On or before 06.01.2027
	Total Rs.1,13,00,000/- (Rupees One Crore Thirteen Lakhs only)	

5. The above Undertaking given by the Applicant is accepted.

6. Mr. Kulkarni, learned Counsel for the First Informant states that as the undertaking has been given, the First Informant i.e. Respondent No.2 has no objection for granting anticipatory bail Application.

7. Ms. Newton, learned APP strongly opposes the Application. She submits that the offence is very serious.

8. However, perusal of record shows that by detailed Order dated 22nd April 2024, a learned Single Judge has granted interim protection, which protection continues till date i.e. for last about 1½ years. There is nothing on record that the said protection has been misused.

9. As the Applicant has voluntarily filed the undertaking to pay the amounts involved in the offence to the First Informant and her husband, in the manner set out hereinabove and in the facts and circumstances as the custodial interrogation is not necessary, the case is made out for grant of anticipatory bail.

10. Accordingly, the Anticipatory Bail Application is disposed of in terms of Order dated 22nd April 2024 passed by the learned Single Judge on further following conditions :-

ORDER

- (i) The Applicant shall attend the concerned Police Station as and when called by the Police and shall co-operate with the investigation.

- (ii) The Applicant shall furnish his cell phone number and residential address to the Investigating Officer and shall keep the same updated, in case of any change thereto.
- (iii) 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 such a person from disclosing the facts to the Court or to any Police personnel.
- (iv) The Applicant shall not leave India without prior permission of the Court.
- (v) The Applicant shall not tamper with the prosecution evidence and shall not contact or influence the Complainant, or any witness, in any manner

11. The Anticipatory Bail Application is disposed of in above terms.

12. Although the Anticipatory Bail Application is disposed of, at the request of Mr. Kulkarni, learned Counsel for Respondent No.2, stand over to 12th January 2026 to report compliance of Clause 3(1) of the undertaking.

(MADHAV J. JAMDAR, J.)