

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

Anticipatory Bail Application No. 1397 of 2024

1. Mushtak Nisar Momin,
Age: 52 years, Occu.: Business
R/o. 391, Rasta Peth, Shekani Manzil,
Room No.-2, Pune 411001.

2. Abbas Mohammadali Warasi,
Age: 55 years, Occu.: None,
R/o. Flat No.K-2, Konarkpuram
Society, Kondhwa Khurd
Pune – 411048

... Applicants

Versus

1. The State of Maharashtra
Through Wanawadi Police Station,
Pune City, Dist: Pune
In C.R.No.246/2024
Notice to be served on the A.P.P.
High Court, Mumbai

2. Manoj Pandurang Mandhare
Age: 57 years, Occu.: Business
R/o. Plot No.3, Toran Bungalow,
Anurekha Soc., Karvenagar, Pune

...Respondents

With

Anticipatory Bail Application No. 1261 of 2024

Mangesh Arunchandra Mourya
Age: 52 years, Occu.: Business,

R/o. East-street, Lashkar Camp,
Pune – 411001.

... Applicant

Versus

1. The State of Maharashtra
Through Wanawadi Police Station,
Pune City, Dist: Pune
In C.R.No.246/2024
Notice to be served on the A.P.P.
High Court, Mumbai

2. Manoj Pandurang Mandhare
Age: 57 years, Occ.: Business
R/o. Plot No.3, Toran Bungalow,
Anurekha Soc., Karvenagar, Pune

...Respondents

Mr Suyash Khose, a/w. Mr Abhijit Aher and Mr Siddharth
Sutaria, for the applicants.

Mr SV Walve, APP, for respondent No.1/ State.

Mr Gaurav Bhawnani, a/w. Mr Mayank SR, i/b. Mr Sangram
Chinnappa, for respondent No.2 in both ABAs.

Coram: R.N. Laddha, J.

Date: 22 August 2025

P.C.:

By these applications, the applicants seek pre-arrest bail in
connection with CR No.246 of 2024, registered at Wanwadi
Police Station, Pune, for the offences punishable under Sections
420, 467, 468, 471 and 120-B of the Indian Penal Code.

2. The present FIR has been lodged by one Manoj

Mandhare, a partner in M/s Takshashila Constructions, a firm engaged in the business of real estate development. The subject matter of the FIR pertains to land bearing Survey No.58/6, situated at Wanwadi, admeasuring 4 Hectares and 17 R, now identified under City Survey No.1278/66. The said land is owned by Mahedwi Nagar Co-operative Housing Society. In 2006, the informant became aware that the said land was available for development. At that time, the development rights were held by one Smt Dhirottama Joshi. The informant acquired those rights through a registered development agreement dated 11 July 2006. However, the Mahedwi Nagar Co-operative Housing Society objected to the transaction and initiated civil proceedings. Subsequently, in 2008, a compromise was arrived at between the informant and the society, culminating in a fresh development agreement dated 4 January 2008, registered under document No.121/2008. Despite the informant's application for building permissions, the requisite approvals remained pending as of the date of lodging the FIR, and no development work had been commenced.

3. In the interim, Ujwal Sakhare was appointed as caretaker jointly by the informant and the society. On 7 January 2017, the managing committee of the society executed a registered a

General Power of Attorney in favour of Ujwal Sakhare, who was not a member of the society. It is alleged that Ujwal, through fraudulent means, sold four godowns and four shops to M/s Rachana Construction on 6 March 2017. The sale proceeds were allegedly credited to Ujwal's personal bank account, bypassing the society. The FIR further alleges that the present applicant was a close associate of Ujwal and complicit in the said fraudulent transaction.

4. The applicants categorically deny any involvement in the alleged transactions. The learned Counsel for the applicants submits that the applicants had no role, whether direct or indirect, in the transactions of 2017. It is further submitted that the applicants neither received any monetary gain nor acted in any fiduciary or representative capacity at the relevant time. The allegations, therefore, are unfounded, speculative, and devoid of any evidentiary support.

5. The learned APP representing the respondent/State, along with the learned Counsel appearing on behalf of the respondent No.2 submits that the applicants, in collusion with Ujwal Sakhare, sold shops and godowns valued at approximately Rs.4.25 Crores. It is argued that since the applicants were office bearers of the society, they acted without authority in effecting such sales, and a huge amount is involved in the

crime. However, the learned APP fairly concedes that the investigation has already been completed, nothing remains to be recovered or discovered from the applicants, and the charge sheet has been filed.

6. Upon perusal of the record, it appears that although the FIR discloses allegations of financial impropriety, the material collected during the investigation is pre-dominantly documentary in nature. The investigation has been concluded and the charge sheet has already been filed. There is nothing on record to indicate that the applicants were either recipients or beneficiaries of the alleged funds. Further, no proceedings have been initiated by the informant seeking cancellation of the sale deeds. The alleged monetary transactions were effected in the account of co-accused Ujwal. The contention of the applicants that the matter is purely civil in nature cannot be accepted at this stage; however, considering the nature of the accusations, pre-trial incarceration of the applicants is not warranted. It is also pertinent to note that the applicants have been under interim protection since 17 May 2024 and 6 May 2024, respectively. It is a settled principle of law that personal liberty is a cherished right enshrined under Article 21 of the Constitution of India, and that unless custodial interrogation is shown to be indispensable, arrest ought to be avoided.

7. In view of the aforesaid circumstances, this Court is of the opinion that the applicants are entitled to protection. Accordingly, the applications are allowed on the following terms :

(i) In the event of the applicants' arrest in connection with CR No. 246 of 2024, registered at Wanwadi Police Station, Pune, 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 till filing of the charge sheet.

(iii) The applicants, either themselves or through any other person, shall not indulge in any activities that may lead to evidence tampering or witness influence.

8. The application stands disposed of accordingly.

(R.N. Laddha, J.)