

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1269 OF 2024

Nandkumar Krishnakumar Goswami	...Applicant
<i>Versus</i>	
State of Maharashtra & Anr.	...Respondents

Mr. Aadesh Konde Deshmukh a/w Mr. Sainath S. Garade, Advocate for Applicant.

Mr. S.A. Karmarkar, APP for the State.

Mr. N.J. Patil a/w Mr. Rohan Balge, Advocate for First Informant.
API, Lad, Lonavale Police Station, present.

CORAM: MADHAV J. JAMDAR, J.

DATED : 1st October 2025

P.C.:

1. Heard Mr. Konde Deshmukh, learned Counsel appearing for the Applicant, Mr. Karmakar, learned APP for the State and Mr. Patil, learned Counsel for Respondent No. 2- Intervenor.

2. The Applicant is seeking pre-arrest bail in connection with C.R. No.47 of 2024, registered with Lonavala City Police Station, Pune Gramin for the offences punishable under Sections 406, 420 read with Section 34 of the Indian Penal Code, 1860.

3. The prosecution case is set out in paragraph No.2 of the Order dated 3rd April 2024 passed by the learned Additional

Sessions Judge, Vadgaon Maval, District-Pune, below Exhibit-1 in Criminal Bail Application No.84 of 2024 *inter alia* filed by the present Applicant, by which the said Application has been rejected.

The said paragraph-2 reads as under :

“2. The prosecution story is that, complainant Atul Mehta lodged the complaint alleging therein that he is engaged in the business of purchasing and selling land and also in construction work. He was informed by his lawyer that applicants/accused are the partners of Taj Enterprises and they decided to sale few plots of their share. Accordingly, complainant personally visited the plots and decided to purchase plot Nos.52, 66, 67. At that time applicants/accused assured that they are the owners having clean title over those plots. Accordingly, complainant had paid the huge amount and also spent Rs. 16,90,000/- for execution of the documents. He also entered into agreement in respect of plots. However, later-on complainant came to know that plot Nos.52 and 66 is belonging to 3rd person and he had filed special civil suit against the applicants/accused. Thus, the complainant came to know that he is duped by the applicants/accused, hence, he lodged the report with Lonavala City Police Station. On these allegations, FI.R. came to be registered. Hence, applicants/accused have apprehension that, they may be arrested by police.”

4. The prosecution case is that when the First Informant visited the site for purchase of plots, some other persons were already in possession of the property, however, the Accused assured that the possession would be handed over. The First Informant had paid certain amounts. There is some dispute about the amounts paid by the First Informant to the Applicant, however, a learned Single Judge (Manish Pitale, J.) by Order dated 5th December 2024, by referring to the earlier Order, recorded statement of the learned Advocate of the Applicant that the amount of Rs.35,00,000/- would be deposited in this Court. Accordingly, the said amount is deposited in this Court.

5. It is the submission of Mr. Karmakar, learned APP and Mr. Patil, learned Counsel for the Intervenor that the proclamation has been issued against the Applicant in some other case, however, Mr. Konde Deshmukh, learned Counsel for the Applicant points out Order dated 22nd January 2025, passed by the learned Additional Sessions Judge, Vadgaon Maval, District-Pune in Criminal Bail Application No.418 of 2024, by which *inter alia* incorrect statement was made by the learned APP that the Applicant came to be arrested and therefore the said Criminal Bail Application

No.418 of 2024 concerning C.R. No. 93 of 2024 registered with Lonavala City Police Station came to be rejected as the same has become infructuous.

6. In any case, in the present case, the Applicant is having interim protection since 8th May 2024. In terms of earlier Orders, the Applicant has deposited money in this Court. The Applicant is a senior citizen of 78 years. Thus the case is made out for grant of anticipatory bail.

7. Accordingly, the Anticipatory Bail Application is disposed of in terms of Order dated 8th May 2024 passed by learned Single Judge (Sarang V. Kotwal, J.) subject to following conditions:

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

(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 tamper with the prosecution evidence and shall not contact or influence the Complainant, or any witness, in any manner.

8. The amount of Rs.35,00,000/- (Rupees Thirty Five Lakhs only) which has been deposited in this Court be transferred to the concerned Sessions Court.

(MADHAV J. JAMDAR, J.)