

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.595 OF 2024

Mahesh Shripad Kotbagi ...Applicant
Versus
The State of Maharashtra ...Respondent

WITH
INTERIM APPLICATION NO.3520 OF 2024
IN
ANTICIPATORY BAIL APPLICATION NO.595 OF 2024

Manik Ramchandra Birla ...Applicant
Versus
The State of Maharashtra ...Respondent

Mr. Ashok Mundargi, Senior Counsel a/w Meghdeep Oak, for the Applicant.
Mr. V. K. Bajpai, for the Intervenor.
Ms. S. M. Yadav, APP, for the Respondent-State.
Mr. Santosh Duryodhan Dange, API, EOW, Pune, present.

CORAM: MADHAV J. JAMDAR, J.
DATED : 08th DECEMBER 2025

PC:-

1. Heard Mr. Ashok Mundargi, learned Senior Counsel appearing for the Applicant, Mr. Bajpai, learned Counsel appearing for the Intervenor and Ms. Yadav, learned APP appearing for the Respondent-State.

2. By this application filed under Section 438 of the Code of Criminal Procedure, 1973 (“**CrPC**”), the Applicant is seeking pre-arrest bail in connection with C.R. No.510 of 2023 registered on 20th December 2023 with Warje Malvadi Police Station, District Pune (city) for the offences punishable under Sections 420, 465, 467, 468 and 471 of the Indian Penal Code, 1860 (“**IPC**”). The offence is being investigated by the Economic Office Wing

3. At the outset, Ms. Yadav, learned APP states that pursuant to the order dated 17th November 2025 passed by this Court Assistance State Examiner of Documents, Handwriting and Photography Bureau, CID Maharashtra State, Mumbai has submitted the opinion. She submits that the chargesheet was almost ready, however, supplementary statement of the First Informant has been recorded recently where he has mentioned about the role of 21 other Accused persons and therefore, further investigation is required. She further submits that the further investigation will be completed within a period of two months and thereafter chargesheet will be filed.

4. A learned Single Judge (Coram : Sarang V. Kotwal, J.) by detailed order dated 04th March 2024 has granted interim protection. In Paragraph No.3. of the order dated 04th March 2024 the prosecution case is set out, which reads as under :-

“3. The F.I.R. is lodged by the first informant Manik Birla. He has stated that the applicant’s maternal aunt Sumati Subhedar had a plot admeasuring 569 Sq.mtr. at Hingane Budruk, karve Nagar, Pune. The applicant himself had a plot admeasuring 500 sq.mtrs. Adjacent to Sumati’s plot. It is alleged that the applicant approached the informant’s father and suggested a scheme to develop both these plots together. The informant’s father agreed. The applicant and the informant’s father Ramchandra formed a partnership firm by the name Birla Kotbagi Promoters and Builders, on 23.07.2023 and the development agreement was executed between this partnership firm as the developers and the informant and Sumati as the land owners. In lieu of their lands, both the land owners i.e. the first informant and Sumati were to get the terrace flats. The informant’s father passed away on 13.04.2007. The informant joined the partnership firm in place of his father. The F.I.R. mentions 7 allegations which broadly alleged that, Sumati was given Rs.3,63,00,000/- instead of agreed amount of Rs.1,10,00,000/-. One Sangita Kalmani was given a power of attorney for executing the sale deed in respect of the construction to be carried out only on the land admeasuring 738 sq.mtrs. On some of the agreements to sale, sale deeds etc. the informant’s signatures and thumb impressions were forged. The development plan submitted to the Municipal Corporation on 03.11.2010 bear the informant’s

father's signatures, but he had already passed away in the year 2007."

5. The learned Single Judge has recorded in the order dated 04th March 2024 various reasons for granting interim protection. Perusal of the record shows that the said interim protection is continued for last about 20 months. Admittedly, the Applicant has cooperated with the investigation. As the ad-interim protection granted by the learned Single Judge by order dated 04th March 2024 is continued till date and major part of the investigation is completed, the case is made out for grant of Anticipatory Bail by imposing certain conditions.

6. In view thereof, the following order is passed:

ORDER

(a) In the event of arrest of the Applicant- Mahesh Shripad Kotbagi in connection with C.R. No.510 of 2023 registered with Warje Malvadi Police Station, District Pune (city) the Applicant is directed to be released on bail on his furnishing P.R. Bond in the sum of Rs.1,00,000/- with one or two solvent sureties in the like amount.

- (b) The Applicant shall attend the concerned Police Station as and when called.
- (c) 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.
- (d) 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.
- (e) The Applicant shall not tamper with the prosecution evidence and shall not contact or influence the Complainant or any witness in any manner.
- (f) The Applicant shall not leave India without prior permission of the Court.

7. The Anticipatory Bail Application is disposed of accordingly.

8. As the Anticipatory Bail Application is disposed of nothing survives in the Interim Application and the same is also disposed of.

[MADHAV J. JAMDAR, J.]