

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.1239 OF 2025

Mangesh Ganpat Jadhav

.. Applicant

Versus

The State of Maharashtra

.. Respondent

.....

- Mr. Aniket U. Nikam, Advocates for Applicant.
- Mr. Balraj B. Kulkarni, APP for Respondent.

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CORAM : MILIND N. JADHAV, J.

DATE : MARCH 27, 2025

P.C.:

1. Heard Mr. Nikam, learned Advocate for Applicant and Mr. Kulkarni, learned APP for Respondent.

2. Applicant is indicted for offences punishable under Sections 420, 465, 467, 468, 471 and 34 of the Indian Penal Code, 1860 (for short 'IPC').

3. Briefly stated, according to the prosecution case Applicant sold a piece of land belonging to him on the basis of certain documentary evidence shown to Complainant.

4. First Informant paid an amount of Rs.50,00,000/- to Applicant and another Rs.50,00,000/- to the brokers / middlemen who facilitated the said transaction between them. However later on First Informant found out that he was duped by the Applicant as the documents shown to him were fabricated documents pertaining to

ownership of the said land in his name.

5. Present crime was registered. Applicant was issued a notice under Section 41A under the Code of Criminal Procedure, 1973 (for short '**Cr.P.C.**') on 14.11.2023 with the investigation concerned and his cooperation was sought. However prosecution case is that he did not cooperate with the investigation and hence he came to be arrested on 24.11.2023. Though the charge-sheet shows that he was arrested on 24.11.2023 but his remand order is dated 14.11.2023. Since then he is incarcerated.

6. Mr. Nikam has raised two principal grounds for seeking bail. Grounds of arrest were not conveyed to Applicant and therefore case of prosecution is directly in teeth of the decision of the Supreme Court in the case of ***Vihaan Kumar Vs. State of Haryana and Anr.***¹. *Prima facie*, on perusal of the prosecution case emanating from the charge-sheet which has been filed it is stated therein that wife of Applicant was intimated about his arrest but in so far as conveying the grounds of arrest to the Applicant is concerned the same is not seen.

7. Mr. Kulkarni, learned APP shall consider the aforesaid submissions and ascertain its veracity and apprise the Court on the same on the next adjourned date.

8. The second ground pleaded by Mr. Nikam is that under

¹ 2025 SCC OnLine SC 269.

statutory provisions of 37(6) of the Cr.P.C. unless and until the custody of Applicant is required for some other reasons once investigation in the present issue stands completed and the period of 60 days having been lapsed after the first date fixed for taking evidence, Applicant would be entitled for bail.

9. In the present case save and except the aforesaid fact as intimated by Mr. Nikam there is no other incriminating fact *per se qua* the Applicant in the present case. He would submit that in so far the brokers / facilitators of the present transaction between First Informant and Applicant are concerned, though initially they were arraigned as accused, now according to the charge-sheet they have been shown as prosecution witnesses despite they having received an equal amount similar to that of the Applicant.

10. Learned APP shall take appropriate instructions and accordingly inform the Court on the next adjourned date.

11. Stand over to **25th April, 2025.**

H. H. SAWANT

[MILIND N. JADHAV, J.]

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