

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.55 OF 2025

Bhushan Jyotisingh Chavan	...Applicant
<i>Versus</i>	
The State of Maharashtra	...Respondents

Mr. Marmik Shah a/w. Mr. Sahil Khullar, for the Applicant.
Ms. Savita M. Yadav, APP, for the Respondent-State.
Mr. Siddharth R. Ghodke i/b. MR. Narayan G. Rokade, for the
Complainant.

CORAM: MADHAV J. JAMDAR, J.
DATED : 30th SEPTEMBER 2025

PC:-

1. Heard Mr. Shah, learned Counsel appearing for the Applicant, Ms. Yadav, learned APP appearing for the Respondent-State and Mr. Ghodke, learned Counsel appearing for the Complainant

2. This application is filed under Section 438 of the Code of Criminal Procedure, 1973 (“CrPC”) seeking pre-arrest bail in connection with C.R. No.418 of 2024 registered with Loni Kalbhor

Police Station, Pune, for the offences punishable under Sections 406 and 420 of the Indian Penal Code, 1860.

3. As per the prosecution case, the Applicant by representing the First Informant that he would be conducting business of construction contract and providing machinery and labourers for construction obtained huge money to the extent of about Rs.1,08,48,000/- from the First Informant, his father, his friends etc. At that time, it was assured that the Applicant would be paying interest at the rate of 5%. However, no such business is conducted and false information is given that said Contractor has ran away. Thereafter, 10 cheques were handed over to ensure repayment and document dated 17th July 2023 was executed by which it is accepted that Rs.2,15,00,000/- has been received by the Applicant.

4. It is the main submission of learned Counsel appearing for the Applicant that it is not clear whether the Applicant has signed the said document. It is further submission that huge amount is repaid.

5. However, learned Counsel appearing for the First Informant and learned APP appearing for the Respondent-State submitted that the signature is of the Applicant. Both of them submitted that the Applicant has simultaneously handed over 10 signed cheques to the First Informant. Thus, the same shows the involvement of the Applicant in the crime.

6. Learned APP submits that the custodial interrogation is necessary as the Applicant's voice sample is also required to be collected as the conversation between the victims of the crime and the First Informant has been recorded. It is the further contention of the learned APP that the Applicant's handwriting as well as specimen signature of the Applicant is also required for further investigation. Learned APP states that in the facts and circumstances, the custodial investigation is warranted.

7. Perusal of the record shows that the Applicant has received huge amounts from time to time from the First Informant, his father and friends and huge amounts are outstanding.

8. The offence is very serious as by making false representation, huge amounts have been collected from the First Informant, his father and his friends. There is material on record to show that since inception, the intention of the Applicant was to commit the crime, however, as the First Informant and others were demanding money, certain amount has been returned back.

9. In any case, in the facts and circumstances, the custodial interrogation of the Applicant is necessary.

10. The Supreme Court has held that the Anticipatory Bail is an exceptional remedy and ought not to be granted in a routine manner. There must exist strong reasons for extending indulgence of this extraordinary remedy to a person accused of grave offence. It has been further held that while exercising power to grant pre-arrest bail, the Court has to be cautious as the grant of interim protection or protection to the accused in serious cases may lead to miscarriage of justice and may hamper the investigation to a great extent as it may sometimes lead to tampering or distraction of the

evidence.¹ These observations of the Supreme Court are squarely applicable to the present case.

11. Accordingly, no case is made out for grant of Anticipatory Bail. The Anticipatory Bail Application is dismissed.

[MADHAV J. JAMDAR, J.]

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1 Nikita Jagganath Shetty vs. State of Maharashtra (2025) SCC OnLine SC 1489