

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 128 OF 2025

Samaksh Ravindra Chhajed and ors. ...Applicants

Versus

The State of Maharashtra ...Respondent

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Mr. Nitin Gaware Patil, a/w Tejas Puneekar and Shantanu
Kolhe, for the Applicants.

Mr. A. A. Naik, APP for the State/Respondent.

CORAM: N. J. JAMADAR, J.

DATED: 10th FEBRUARY, 2025

PC:-

1. Heard the learned Counsel for the parties.
2. This is an application for pre-arrest bail in connection with CR No.442 of 2021, registered with Yeola City Police Station, for the offences punishable under Sections 420, 409, 408 and 406 read with Section 34 of Indian Penal Code, 1860 ("the Penal Code") and Sections 146 and 147 of the Maharashtra Co-operative Societies Act, 1960.
3. At the outset, the learned Counsel for the applicant invites attention of the Court to an order dated 26th March, 2024, whereby this Court had granted pre-arrest bail to co-accused Rajesh Kshatriya. In the said order, there is a

reference to an earlier order passed by this Court granting pre-arrest bail to another co-accused Gautam Bafna.

4. The role attributed to the applicants is that of having fraudulently purchased the property which was mortgaged to the Co-operative Society of which Ajay Jain, the husband of applicant No.2, and uncle of applicant No.1, was the General Manager. It is alleged that a fraudulent letter was given to the Registrar, Co-operative Society, that the said property was released from encumbrances and on the strength of certificate so obtained, a sale deed in respect of said property was obtained in the name of the applicants, Ajay Jain and another co-purchaser.

5. *Prima facie* the role attributed to the applicants appears to be that of being the fraudulent purchasers of the property mortgaged to the co-operative society. At best, an offence under Section 420 of the Penal Code can be attributed to the applicants. It does not seem that the applicants were privy to the alleged fraudulent transactions whereby the amounts of the Bank were siphoned off.

6. In these circumstances, till the matter is heard after providing an opportunity of hearing to the prosecution, the liberty of the applicants deserves to be protected.

7. Hence, the following order:

: O R D E R :

- (i)** In the event of arrest of the applicants in CR No.442 of 2021, registered with Yeola City Police Station, the applicants be released on bail on furnishing a PR Bond in the sum of Rs.30,000/-, each, with one or two sureties in the like amount.
- (ii)** The applicants shall co-operate with the investigation and attend Yeola City Police Station on 17th 18th and 20th February, 2025 between 10.00 am. to 1.00 pm. and, thereafter, as and when directed.
- (iii)** The applicants shall not tamper with the prosecution evidence and/or give threat or inducement to the first informant or any of the persons acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any police officer.
- (iv)** Stand over to 3rd March, 2025.

[N. J. JAMADAR, J.]