

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 292 OF 2025

Venketesh Vaijgaa Appani And Ors	...Applicants
Versus	
State Of Maharashtra	...Respondent

Mr. Smith S. Shinde i/b. Mr. Zeeshan Siddique, Advocate for the Applicants.

Adv. Siddharth N. Sutaria, Adv. Abhijit Aher i/b. Adv. Suyash Nitin Khose, Advocate for Intervenor.

Mr. Annasaheb Tapare, API Mundhava Police Station present.

CORAM : RAJESH S. PATIL, J.

DATED : 20 FEBRUARY 2025

P.C.:

1. The present Application is filed by the Applicants under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 [corresponding Section 438 of Cr.P.C], for anticipatory bail in connection with C.R. No. 0506 of 2024, dated 28 December 2024, registered with Mundhava Police Station, District Pune (Urban), under Sections 452, 447, 341, 143, 504 and 506 of the Indian Penal Code.

2. The F.I.R. has been filed against the present ten Applicants on the statements which has been recorded, being part of the F.I.R.

3. The learned Advocate for the Applicants submits that present Applicants had filed a complaint/F.I.R. on 19 October 2021, against the Informant under Sections 406, 420, 506 read with Section 34 of the Indian Penal Code as well as Sections 3, 4 of the Prize Chits And Money Circulation Schemes (Banning) Act, 1978, and Section 3 and 4 of the Maharashtra Protection of Interest of Depositors (In Financial Establishments) Act, 1999.

4. Pursuant to this, the Informant and his wife were in jail for two years. In fact, it was the present Informant who started the “bhishi” scheme and, after collecting crores monies of rupees from multiple investors, became untraceable. Therefore, an F.I.R. was filed against him. The present F.I.R. filed by the Informant against the Applicants is a counter blast and a motivated vengeance.

5. The Applicants are willing to cooperate with the Investigating Officer whenever required. Additionally, they have already filed a civil suit before the CJSD Pune, against the Informant, and the Exhibit-5 Application (interim application) has been partly allowed, restraining the defendants from taking action

against the Plaintiffs therein (the Applicants herein). Considering these facts, the physical custody of the Applicants is not necessary.

6. Mr. Siddharth N. Sutaraiia, Advocate for the Informant submits that this Court cannot connect the fact that the Informant was in jail in an earlier F.I.R. with the present F.I.R. He submits that Informant's daughter was illegally removed from his premises while he and his wife were in jail.

4. He submits that it is necessary for this Court to reject the present Application, as the present Applicants have committed a series of serious offences. Therefore, their custody is necessary.

5. The learned APP submits that the statements of the witnesses have already been recorded and that certain allegations have been made against the Applicants regarding the forceful possession of the premises. Therefore, their custody is necessary.

6. It is a matter of record that the present Applicants have filed civil suit against the Informant, wherein interim relief was granted by the CJSD, Pune, on 18 January 2025, restraining the Defendant (Informant herein) from evicting the plaintiffs (the present Applicants) from suit flats and suit property, as described in para

No.1 of the plaint therein.

7. Therefore, as regards the possession of the premises is concerned, the matter is now subject of matter of a civil suit.

8. It is also brought on record that before the present F.I.R. was lodged on 28 December 2024, the present Applicant had lodged an F.I.R. three years earlier, on 19 October 2021. Pursuant to the said F.I.R., the Informant and his wife were arrested and remained in jail for two years. The present Applicants contend that the F.I.R. filed by the Informant on December 28, 2024, is merely a counterblast to the F.I.R. previously filed by them, which led to the Informant's incarceration for two years.

9. In such a situation, prima facie case is made out by the Applicant to grant anticipatory bail on the following conditions:-

ORDER

- (a) **The Anticipatory Bail Application is allowed.**
- (b) In the event of arrest of the Applicants C.R. No. 0506 of 2024, dated 28 December 2024, registered with Mundhava Police Station, District Pune (Urban), under Sections 452, 447, 341, 143, 504 and 506 of the Indian Penal Code., the Applicants shall be released on bail furnishing P.R. bond to the extent of Rs.30,000/-

with one or more sureties of the like amount.

(c) The Applicants shall co-operate with the investigation and attend the investigating officer of the concerned police station on 25 February 2025, 26 February 2025 and 27 February 2025 between 11:00 a.m. to 1:00 p.m., and as and when called.

(d) The Applicants shall not directly or indirectly make any inducement, threat or promise to victim and to any person acquainted with facts of case so as to dissuade him/her from disclosing the facts to Court or any Police Officer and should not tamper with evidence.

(e) The Applicants shall furnish their contact number and residential address to the investigating officer and shall keep him updated, in case there is any change.

(f) The Applicants and his surety shall provide their respective mobile numbers, e-mail address and documents pertaining to the place of residence.

10. In view of the above, **the present Anticipatory Bail Application is disposed of.**

(RAJESH S. PATIL, J.)