

AGK

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO.499 OF 2025

Sanjay Sadashiv Mohite & Ganesh Namdeo Shinde	... Applicants
V/s.	
The State of Maharashtra	... Respondent

Ms. Mayuri Hatle for the applicants.

Mr. Sagar R. Agarkar, APP for the respondent-State.

Mr. Pravin Phadhare, API, Panvel City Police Station, is present.

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CORAM : AMIT BORKAR, J.

DATED : SEPTEMBER 15, 2025

P.C.:

1. This is an application under Section 482 of the Bhartiya Nagarik Suraksha Sanhita, 2023 (BNSS), wherein the applicants seek relief of pre-arrest bail in connection with Crime Register No. 736 of 2024 registered with Panvel City Police Station for offences punishable under Sections 318(4) and 3(5) of the Bhartiya Nyaya Sanhita, 2023 (BNS).

2. As per the prosecution, the offence took place in June 2020. The informant and witnesses, namely Garibdas Jadhav, Aniket Gaikwad, Yogesh Jadhav, and Vinod Pandit, were promised jobs in the Panvel Municipal Corporation. For this, an amount of Rs. 2,50,000 was taken from the informant and Rs. 14,00,000 from the other witnesses. Accused Sushant represented that his father

was an employee of the Corporation and was well acquainted with senior officers. On this pretext, money was collected by Sushant Mohite and his father, Sanjay Sadashiv Mohite. When the informant and others later enquired about the promised jobs, Sushant introduced his relative Ganesh Shinde and assured that Ganesh would handle the matter. However, neither Sanjay Mohite nor Ganesh Shinde provided the jobs or returned the money received.

3. Learned Advocate appearing for the applicants submitted that, as per the prosecution case itself, the deceased accused Sushant was the person who received the amounts from the victims. It is pointed out that the record shows that the money was credited to the account of Sushant. It is further argued that no specific role is attributed to the present applicants, except for a general allegation that the crime was committed jointly with accused No. 1. Attention is drawn to the fact that although the victims have made statements that part of the money was paid in cash to applicant No. 1, in the affidavits filed before the learned Additional Sessions Judge, no specific statement on oath is made to that effect. On the contrary, the record shows that the money was deposited in the account of deceased Sushant. It is further submitted that the applicants are ready to cooperate with the investigation. Hence, the prayer is that the interim protection earlier granted in favour of the applicants be continued.

4. Learned APP opposed the application. He submitted that the statements of the five victims recorded on 5 February 2025 specifically mention that part of the money was handed over to

applicant No. 1. He argued that this shows the involvement of applicant No. 1 in the commission of the alleged offence. He, therefore, urged that the application deserves rejection.

5. I have considered the submissions of both sides and perused the material placed on record. It is not in dispute that the principal allegations of receiving money are directed against deceased accused Sushant. The record also shows that the amounts were deposited in the account of Sushant. The role of the present applicants is referred to only in general terms. No clear or specific statement is made by the victims in their affidavits before the Sessions Court that any money was handed over in cash to applicant No. 1. In these circumstances, the complicity of the applicants does not appear to be prima facie established to the extent of denying them pre-arrest bail.

6. The offence alleged is undoubtedly serious. However, the applicants have expressed willingness to cooperate with the investigation. There is nothing to indicate that the applicants would tamper with evidence or abscond if protected by pre-arrest bail. The object of pre-arrest bail is to protect individuals from unnecessary humiliation and harassment while ensuring fair investigation. This balance can be maintained by imposing suitable conditions.

7. Hence, following order is passed:

(a) The application is allowed.

(b) In the event of arrest of the applicants in connection with Crime Register No. 736 of 2024 registered with Panvel

City Police Station for offences punishable under Sections 318(4) and 3(5) of the BNS, they shall be released on bail on furnishing personal bond of Rs. 30,000 each with one or more sureties in the like amount.

(c) The applicants shall cooperate with the investigation and attend the concerned Police Station as and when called.

(d) The applicants shall not tamper with evidence or influence witnesses.

(e) Interim protection earlier granted stands confirmed.

8. The bail application is allowed and disposed of.

(AMIT BORKAR, J.)