



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

ANTICIPATORY BAIL APPLICATION NO. 729/2025

BHAUSAHEB NANA BORCHATE

..APPLICANT

VS

THE STATE OF MAHARASHTRA

..RESPONDENT

Mr. A. R. Gole a/w. Mr. Tapan Thatte, Mr. Nikhil Waje, Mr. Vishesh
Srivastav, Mr. Anubhav Singh, Ms. Siddhi Sawant for applicant.

Ms. Pallavi Dabholkar, APP for State.

API Panhalkar, Alephata Police Station, Pune.

CORAM : RAJESH S. PATIL, J.

DATE : MARCH 20, 2025.

P.C. :

1. This application is filed under Section 482 of the Bhartiya
Nagarik Suraksha Sanhita, 2023 for seeking pre-arrest bail in
connection with the First Information Report (FIR) No. 28/2025
registered with the Aalephata Police Station, Pune, for the offence
punishable under Sections 318(4), 336, 3(5) of the Bhartiya Nyaya
Sanhita, 2023.

2. It is the case of the prosecution that the informant became
acquainted with accused no.1 Shashikant Kurhade, who introduced
himself as a relative of the applicant and informed the complainant
that he worked at Annabhau Sathe Arthik Vikas Mahamandal. It is

further alleged that he informed the complainant that he was entrusted with the responsibility of sanctioning loans for various agricultural schemes, such as poultry farms and cattle sheds. He further informed that there was a scheme where the Mahamandal was offering a loan of Rs.25 lakhs without interest on certain terms and conditions. Based on his statement, the informant along with other farmers invested their monies in account of accused no.1. It is further alleged that the present applicant stated to the informant that he takes responsibility for their investment with accused No. 1. Since the money invested never came back to the informant, an FIR was lodged.

3. The learned counsel for the applicant submits that, in fact, the applicant is in the same situation as the informant. The applicant himself has invested an amount of Rs. 4,20,346/- with accused no. 1. He submits that none of the amounts invested by the informant and other farmers were received by him. Merely a statement showing any amount paid to the present applicant does not prove that any such amount was actually paid to him. Except for the statement made by the informant that he paid Rs. 13,500/- online to the applicant, there is nothing on record to show that the applicant has received any money. The applicant has attended the office of the IO and has

cooperated with the investigation. If need arises, he is again ready to attend the office of the IO. There is no question of applicant running away. The custody of the present applicant is not necessary.

4. The learned APP submits that several people have complaint that they have paid cash amount to the present applicant. They were inducted by the present applicant to invest with accused no.1 and thereafter, loan will be sanctioned which is interest free. No such amount was returned back by both the accused. Accused no.1 was already arrested. The custody of the applicant is necessary.

5. I have heard the learned counsel for the applicant and learned APP for State. I have also gone through the FIR and the documents on record.

6. Accused No. 1, in whose account heavy deposits have been made by the informant, witnesses, and the present applicant, is still behind bars. As far as the present applicant, who is arraigned as accused no. 2 in the crime, the complaint contains only bare statements that he influenced the witnesses and the informant to invest with accused no. 1 and they should trust him and he will take the responsibility of such investment. According to my view, these are only the oral statements made and there is no evidence as of now

shown to me to suggest that such kind of promise was made by the present applicant. As regards payments being made by the witnesses and the informant, admittedly all these payments were made in the account of accused no.1. The present applicant has also deposited a sum of Rs.4,20,346/- with accused no.1, which is not return back to him.

7. According to me, the custody of the present applicant would not be necessary as he has cooperated with the IO and has attended the office of the IO for recording his statement. Suffice would be the purpose if he is again directed to attend the office of the IO. Hence, the following order.

ORDER

- (a) **The anticipatory bail application is allowed.**
- (b) In the event of arrest in connection with FIR No. 28/2025 registered with the Aalephata Police Station, Pune, the applicant shall be released on bail, on furnishing P.R. bond to the extent of Rs.30,000/- with one or two sureties of the like amount.
- (c) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him from disclosing the facts to Court or any

Police Officer and shall not tamper with evidence.

(d) The applicant shall furnish details of his residential address, contact numbers and email address to the Investigating Officer.

(e) The applicant shall attend the concerned police station on 25/3/2025 and 26/3/2025 between 11.00 a.m. to 1.00p.m. and thereafter, as and when called for.

8. The anticipatory bail application is disposed of.

(RAJESH S. PATIL, J.)