



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1020/2025

SHUBHAM DHANAJI JADHAVRAO

...APPLICANT

VS

THE STATE OF MAHARASHTRA

...RESPONDENT

...

Adv. Abhijeet Desai i/b Mahadji Phalke for the Applicant.

Adv. Amit A. Palkar APP for the Respondent State.

Ms. S. s. Sankhe, PI EOW, Pune.

...

CORAM : RAJESH S. PATIL, J.

DATED : APRIL 30, 2025

P.C.:

1. This application is filed by applicant under section 482 Bharatiya Nagarik Suraksha Sahnita, 2023 for anticipatory bail as he is apprehending his arrest in connection with crime No. 56/2025 registered with Wagholi police station, Pune for the offence punishable under section 420, 406, 409 r/w. 34 of the Indian Penal Code, 1860.

2. As per the complaint filed, an FIR has been lodged. The role of the present applicant is specifically mentioned in the FIR.

3. In the present proceeding, the accused no. 1 is arrested and is behind bars. The present applicant is accused no.2. Admittedly the present applicant along with co-accused who are partners of a firm called as "Vision Valley Developers." They are into the business of

plotting, selling and marketing of lands. A complaint is filed by the first informant on the grounds that they have been cheated by the applicant by taking over monies from them and selling the plot of land which could not have been sold since, there was an order passed by Ex. CJI, Justice Lodha's Committee. The Supreme Court of India by its order dated 25 August 2016 passed in Civil Appeal No. 13301 of 2015 had banned selling of plots belonging to PACL Ltd. In the present crime, the plots involved is Gat No. 405. Admittedly the said plot Gat No.405 is measuring 3H 17R. The first informant vide a sale deed dated 8 August, 2022, purchased 2 Gunthas of land, out of Gat No. 405 by paying consideration of Rs.26 lakhs. In view of the orders passed by Ex. CJI. Justice Lodha's Committee, there is a ban from selling lands of 22 Gat. The present land is from Gat No. 405. Therefore, the lands of Gat No. 405 could not have been sold by the persons interested in the said land.

4. The learned APP submits that apart from the present complainant, 35 more victims have lodged their complaints with the investigating officer. It has been admitted before me that the present applicant is in the business of plotting, selling and marketing of lands and before the present project at Vagholi Village, Pune he has also done plotting of lands on other sites in the said District. The learned APP has also pointed out to me that in sale deed dated 22 December 2021,

which was entered into between other victims, the present applicant is also a party who has signed the sale deed. The amount involved in the present crime is around Rs.5 crores 70 lakhs approximately and the said amount is likely to go up since, more victims are coming before the investigating officer to lodge their complaints.

5. There is no dispute that the orders are passed by the Ex. CJI, Justice Lodha's Committee. However, it has been submitted that the present applicant was not aware about the orders passed at the relevant time. The accused no. 1 who was the original erstwhile owner has been arrested. He had entered into an MOU dated 28 June 2021, in which the present applicant is a partner along with other co-accused. Subsequently, after coming into picture, the present applicant has further plotted the land and sold it to different individuals. Such sale deed started from the year 2021, 2022 and further thereafter.

6. It is highly improbable that the person, who is into the business of plotting of lands and selling the same in the District of Pune, is not aware about the ban being imposed by order passed by Ex. CJI Justice Lodha's Committee. The applicant is taking a defence that going by the 7/12 extract of the plot of land with which the first informant is involved, the entry of the order passed by Ex. CJI Justice Lodha's Committee is of dated 7 July 2023. At this stage, in my view, the present applicant, who is into the business of development of lands it will be

necessary for the purpose of investigating of the crime to understand, how many more people have been cheated by the present applicant along with co-accused. The interrogation of the present applicant is necessary.

7. The Supreme Court in case of *Sumitha Pradeep vs. Arun Kumar C.K. and another*¹ in paragraph 12 has held as under :-

“12..... In many anticipatory bail matters, we have noticed one common argument being canvassed that no custodial interrogation is required and, therefore, anticipatory bail may be granted. There appears to be a serious misconception of law that if no case for custodial interrogation is made out by the prosecution, then that alone would be a good ground to grant anticipatory bail. Custodial interrogation can be one of the relevant aspects to be considered along with other grounds while deciding an application seeking anticipatory bail. There may be many cases in which the custodial interrogation of the accused may not be required, but that does not mean that the prima facie case against the accused should be ignored or overlooked and he should be granted anticipatory bail. The first and foremost thing that the court hearing an anticipatory bail application should consider is the prima facie case put up against the accused. Thereafter, the nature of the offence should be looked into along with the severity of the punishment. Custodial interrogation can be one of the grounds to decline anticipatory bail. However, even if custodial interrogation is not required or necessitated, by itself, cannot be a ground to grant anticipatory bail.”

(Emphasis supplied)

8. A similar view has been taken by the Supreme Court in the case of *the C.B.I. vs. Anil Sharma*², in paragraph 4 which reads as under:-

“4. We find force in the submission of the CBI that custodial interrogation is qualitatively more elicitation oriented than

¹ 2022 SCC Online SC 1529

² AIR OnLine 1997 SC 797

questioning a suspect who is well ensconced with a favorable order under Section 438 of the Code. In a case like this effective interrogation of suspected person is of tremendous advantage in disinterring many useful informations and also materials which would have been concealed. Success in such interrogation would elude if the suspected person knows that he is well protected and insulated by a pre-arrest bail during the time he is interrogated. Very often interrogation in such a condition would reduce to a mere ritual. The argument that the custodial interrogation is fraught with the danger of the person being subjected to third degree methods need not be countenanced, for, such an argument can be advanced by all accused in all criminal cases. The Court has to presume that responsible Police Officers would conduct themselves in a responsible manner and that those entrusted with the task of disinterring would not conduct themselves as offenders.”

(Emphasis supplied)

9. Considering the law laid down by the Supreme Court and the fact as narrated above, the present anticipatory bail application stands rejected.

(RAJESH S. PATIL, J.)