

Arjun

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1311 OF 2025

Devanand Mangal Upadhye

...Applicant

Versus

The State of Maharashtra & Ors.

...Respondents

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Mr. Rajendra Anbhule a/w Gayatri Kale, for the Applicant.

Ms. R. V. Newton, APP, for the Respondent-State.

Mr. Sainath S. Garade i/b Nagesh Khedkar, for Respondent No.2.

A.P.I. Ganesh Jadhav, Deccan Police Station, Pune City, present.

CORAM: MADHAV J. JAMDAR, J.

DATED: 01 DECEMBER 2025

P.C.:

1. Heard Mr. Anbhule, learned Counsel appearing for the Applicant, Ms. Newton, learned APP, for the Respondent-State and Mr. Garade, learned Counsel appearing for Respondent No.2.

2. By this Anticipatory Bail Application filed under Section 482 of the *Bharatiya Nagarik Suraksha Sanhita, 2023*, the Applicant is seeking pre-arrest bail in connection with CR No.15 of 2025 registered with the Deccan Police Station, Pune City, for the offences punishable under Sections 406, 420, 467, 468 and 471 of the *Indian Penal Code, 1860*.

3. As per the prosecution case, the Respondent No.3-First Informant is a senior citizen, aged 74 years. She has purchased a part of Survey No.6, Hissa No.35 of the Village - Baner, District - Pune and her sister-in-law had also purchased a part of the said Survey No.6, Hissa No.36. After the death of her sister-in-law, the First Informant was managing her properties. She had appointed one Ganesh Datta for the purpose of survey, demarcation, fencing and other work concerning BDP zone reservation. On 14th January 2022, the Applicant i.e. Accused came to her house along with said Ganesh Datta and informed her that he is a practicing Advocate dealing with land disputes and that he would assist her in resolving the reservation issue. In view of the said representation made, as per the demand of the Applicant the First Informant paid an aggregate amount of Rs.45,00,000/- from time to time. Thereafter, when the First Informant made enquiries, the Applicant informed her that an application for cancellation of BDP Zone had been submitted and he showed her photographs of a letter dated 18th September 2022 signed by one Avinash Patil, Joint Director of Town Planning as well as a letter dated 9th March 2022 issued by one Chandrakant Khose to Commissioner, Pune Municipal Corporation. For a long period thereafter, no information was given to the First Informant despite her persistent follow-up. The First Informant visited the Pune Municipal Corporation and came to know that no such application had been filed

by the Applicant and that the documents shown by him were false and fabricated.

4. Although this Anticipatory Bail Application was filed on 3rd May 2025 and had been listed before the Court on 8th May 2025 and 9th June 2025, no interim protection was granted and the same is specifically recorded in those Orders. Thereafter, the matter came up before various Courts, including this Court and protection was again not granted. On 13th October 2025, it was represented that the Applicant wants to settled the matter by making payment to the First Informant and therefore interim protection was granted.

5. However, on the last occasion, Ms. Newton, learned APP, submitted that the Applicant is not cooperating with the investigation and is not found at her residence. Therefore, the matter has been kept today and directed to be shown fairly 'high on board'. On the last occasion, Mr. Anbhule, learned Counsel for the Applicant, had informed the Court that the Applicant would remain present in the Court. However, today, Mr. Anbhule, learned Counsel, states that when he tried to contact the Applicant. he was unable to reach him. He therefore contacted the Applicant's wife and wife of the Applicant informed him that the Applicant is not at the residence and is also not in contact with her.

6. The Supreme Court in the decision of *Lavesh v. State (NCT of Delhi)*¹, has observed that if the Applicant is not available for interrogation and investigation, then there is no question of granting anticipatory bail. In the present case, the Applicant is not available for investigation. As noted earlier, the Applicant has not been cooperating and is not available for interrogation.

7. Perusal of the record shows that the offence is very serious, wherein the Applicant, who is a practicing Advocate, by making certain representations, obtained an amount of Rs.45,00,000/- from the First Informant. Thereafter, the Applicant showed forged and fabricated letters to the First Informant. Although the First Informant was contacting her, he stopped responding to her. Therefore, the subject FIR has been lodged. Thus, it is clear that offence is very serious requiring custodial interrogation as false and fabricated documents are prepared and the Applicant is absconding and not available for interrogation.

8. The Investigating Officer is personally present in the Court and states that the Applicant is not available at his residence. Even the wife of the Applicant has informed Mr. Anbhule, learned Advocate for the Applicant that the Applicant is not contacting her.

¹ (2012) 8 SCC 730

9. Ms. Newton, learned APP, on instructions, states that, further steps will be taken in accordance with law to declare the Applicant as absconder.

10. Accordingly, in the facts and circumstances, no case is made out for granting anticipatory bail. The Anticipatory Bail Application is rejected.

[MADHAV J. JAMDAR, J.]