

Nikita

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

ANTICIPATORY BAIL APPLICATION NO.1372 OF 2025

Vijaysing Shankarsingh Thakur ... Applicant

V/s.

State of Maharashtra ... Respondent

Mr. Hrishikesh Mundargi a/w Suyash Khose a/w
Siddharth Sutaria a/w Abhijit Aher a/w Ashwin
Hirulkar for the Applicant.

Ms. Gauri Rao, APP for the State.

Mr. Shashank Kadam, API, Dehuroad Police Station.

CORAM : ASHWIN D. BHOBE, J.

DATED : 4th JUNE, 2025

P.C.:

1. Heard Mr. Hrishikesh Mundargi for the Applicant. Ms. Gauri Rao, learned APP for the State.
2. By the present Application filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ("BNSS" for short), in connection with Crime No.115 of 2025 registered at Dehu Road Police Station Pimpri Chinchawad for the offences punishable under Sections 198, 201, 318(4), 336(2), 336(3), 338, 339, 340(2), 61(2) of Bhartiya Nyaya Sanhita ("BNS" for short) is seeking pre-arrest bail.
3. Case of the prosecution is that officials of MHADA Mumbai, are involved in manipulating and fabricating documents by which

allotments are made to persons who are not entitled to the houses under the Aristo Kiwale Scheme. Applicant herein working as the Assistant Estate Manager, MHADA, had created false documents and allotted a house, to Mr. Ravindra Kshirsagar, who is Accused No.4 in the said crime, contrary to rules. Prosecution case is that the allotment letter dated 15th July, 2024 by which the Applicant has allotted the house to the Accused No.4 is fabricated and is not available on the record of MHADA. In view of the above, the aforesaid offence is registered against the Applicant and three other accused.

4. Accused No.4 Mr. Ravindra Kshirsagar was arrested in the present crime and has been released on regular bail.

5. Mr. Hrishikesh Mundargi, learned Advocate for the Applicant states that the Applicant is a government servant who does not have any criminal antecedents. He states that the Applicant has discharged his duties in accordance with law and by following the required procedure. He submits that the allotment made by the Applicant to the Respondent No.4 vide the allotment letter dated 15th July, 2024 is in accordance with the rules and all the records, including the outward number of the said letter would be available in the records of MHADA. He submits that the offence as alleged in the crime is in respect of documents. He, therefore, submits that the custodial interrogation of the Applicant who is a government servant is not required. He submits that Applicant has cooperated with the investigation and shall cooperate with the investigation as and when required.

6. Ms. Gauri Rao learned APP for the State submits that the offence which is subject matter of the crime is serious offence and indicates systemic misuse of position handled by government officials in making allotments to the persons who are not entitled. She submits that the allotment letter dated 15th July, 2024, which is subject matter of the present crime is an essential piece of evidence. She submits that the presence of Applicant is required to find out the *modus operandi* as also to recover documents. She submits that the Applicant has not cooperated in the investigation.

7. Learned APP, on instructions from the Investigation Officer, Mr. Shashank Kadam, Assistant Police Inspector, Dehu Road Police Station, states that during the pendency of the present application, upon visiting the office of MHADA and verifying the register (Estate Manager Outward Entry), the Investigation Officer has found reference to the allotment letter dated 15th July 2024, at Sr. No.128. She fairly states that the outward entry in respect of the said allotment letter dated 15th July, 2024 would indicate the existence of the said allotment letter dated 15th July, 2024 on record MHADA, at least on that date.

8. I have heard the learned Advocate for the parties and perused the records with the able assistance of the Advocates.

9. The Applicant is a government servant. Nature of allegations against the Applicant in the crime essentially are of creating of false documents i.e. the allotment letter dated 15th July, 2024 by which allotment is alleged to have made to a person (i.e. accused No. 4-Mr. Ravindra Kshirsagar), not entitled.

10. Learned APP has today made a statement before this Court that reference to the said allotment letter dated 15th July, 2024, is found in the Estate Manager Outward Registrar of MHADA. Accused No.4 Mr. Ravindra Khshirsagar who is said to be the beneficiary of the said allotment was arrested and has been released on regular bail. Learned APP state that nothing has come before the Investigating Officer to indicate that the Applicant having criminal antecedents or the Applicant being involved in instances as alleged. Applicant is reported to be in service of MHADA since the year 1987.

11. Considering the nature of allegations, the records as referred to herein above, I find that the custodial interrogation of the Applicant is not required.

12. In view of the above, the Applicant is secured by the pre-arrest bail, subject to the following conditions:

a) In the event of the arrest of the Applicant in Crime No.115 of 2025 registered at Dehu Road Police Station, the Applicant shall be released on bail upon furnishing a PR bond in the sum of Rs.25,000/- with one or more sureties in the like amount to the satisfaction of the Additional Sessions Judge Vadgav Maval, Pune.

b) The Applicant shall report to the Investigating Officer to the Dehu Road Police Station, from 17th June, 2025 from 10.00 am to 1.00 pm and thereafter as and when required by the Investigation Officer.

c) The Applicant shall cooperate with the investigation.

d) The Applicant shall not influence any witnesses or tamper with the evidence in any manner.

e) Applicant shall furnish his residential address with proof along with his contact details/mobile number to the Investigating Officer on 9th June, 2025.

f) The Applicant shall not leave the State of Maharashtra without prior permission from the Investigating Officer, Dehu Road Police Station.

13. The Anticipatory Bail Application No.1372 of 2025 is disposed off in the above terms.

(ASHWIN D. BHOBE, J.)