

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

Anticipatory Bail Application No. 1409 of 2025

Sudhir Genuji Gangurde

Age 54 years, Occ. Service,

At Padavi, Tal. Daund,

Dist. Nashik.

... Applicant

versus

The State of Maharashtra

(At the instance of Gangapur

Police Station, Dist. Nashik)

...Respondent

Mr Aadesh Konde Deshmukh, for the Applicant.

Mr Pankaj Deokar, APP, for Respondent / State.

PSI B Patil, Gangapur Police Station, Nashik.

Coram: R.N. Laddha, J.

Date: 25 June 2025.

P.C.:

This is an application for pre-arrest bail filed by the applicant, who is apprehending arrest in connection with CR No.58 of 2025, registered with Gangapur Police Station, Nashik city, for the offences punishable under Sections 420 and 504 read with 34 of the Indian Penal Code.

2. The prosecution alleges that in September 2022, the co-accused persuaded the applicant to part with a considerable

sum of Rs 7,00,000/-, under the pretext that the money was urgently required for the applicant's medical treatment. To gain the informant's confidence, the applicant assured that the entire amount would be repaid within a few days, thereby creating a deceptive sense of urgency and trust. However, upon being approached by the informant for repayment, the applicant escalated the deceit. In April 2023, he further manipulated the informant into handing over an additional Rs.7,00,000/- by falsely promising to secure a job for the informant's son. Despite repeated demands, the applicant neither retained the borrowed money nor fulfilled the assurance regarding employment. Instead, he resorted to intimidation and threats.

3. Mr Aadesh Konde-Deshmukh, the learned Counsel appearing on behalf of the applicant, asserts the applicant's innocence and contends that the alleged transaction, which forms the basis of the present case, was in fact a personal hand-loan extended by the informant to a co-accused, who is son of the present applicant. He further states that the entire loan amount has already been duly paid by the applicant's son. Despite this, the informant, harboring ulterior motives, began to harass the applicant and his family members by making unwarranted demands for an additional amount under the guise of interest. Faced with continued harassment, the applicant's

son lodged several complaints against the informant, leading to a sense of injustice and victimisation of the applicant and his family. The learned Counsel also draws the attention of this Court to the delay of approximately 25 months in the registration of the present FIR. According to the learned Counsel, this inordinate and unexplained delay casts serious doubt on the veracity and genuineness of the allegations made therein. He further points out that the co-accused in the case have already been granted anticipatory bail and no exceptional circumstances exist which would justify a differential treatment towards the applicant. The learned Counsel further submits that the applicant has no criminal antecedents and is willing to comply with any conditions that this Court may deem fit to impose.

4. At the outset, Mr Pankaj Deokar, the learned Additional Public Prosecutor representing the respondent/ State, upon receiving the instructions from the investigating officer who is present in Court, submits that the investigation in the present matter is almost complete. He further states that, in light of the progress made, the prosecution does not deem it necessary to seek the custody of the applicant.

5. Upon perusing the records, it appears that the allegations

levelled against the applicant pertain to the purportedly inducing the informant to part with a sum of Rs 14,00,000/- in total under the pretext of medical urgency and securing employment for his son. As per the contents of the FIR, the alleged incidents are stated to have occurred during the period spanning from September 2022 to April 2023. However, it is pertinent to note that the FIR came to be lodged only on 7 March 2025, thereby indicating delay of nearly two years in lodging the complaint. It further appears that the applicant's son had, between March 2023 and August 2024, submitted multiple complaints against the informant to the competent police authorities. Despite such representations, no cognizance appears to have been taken by the police on those complaints. Of significance is the fact that a notice under Section 149 of CrPC was issued to the informant by the Station House Officer, Badlapur (East) Police Station, thereby indicating that the police were aware about the dispute between the applicant's family and the informant even prior to the present FIR. Moreover, it is not in dispute that the co-accused, namely Rahul and Neelam, have already been granted anticipatory bail. The learned APP has fairly acknowledged that the investigation is complete, and there remains no requirement for custodial interrogation of the applicant.

6. In view of the aforesaid circumstances, including the unexplained delay in registration of the FIR, the prior complaints lodged by the applicant's son against the informant, the grant of anticipatory bail to co-accused persons, and the completion of investigation, this Court finds it a fit case to exercise its discretion in favour of the applicant. Hence, the following order:

ORDER

(i) In the event of the applicant's arrest in connection with CR No.58 of 2025, registered with Gangapur Police Station, Nashik city, he shall be released on bail upon executing a PR Bond of Rs.25,000/- and furnishing one or more sureties in the like amount.

(ii) The applicant, himself or through any other person, shall not tamper with the evidence or influence witnesses.

7. The application stands disposed of accordingly.

[R.N. Laddha, J.]