

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1438 OF 2025

Dhananjay Bhagwan Kudale *...Applicant*

Versus

The State of Maharashtra *...Respondent*

Mr. Vaibhav V. Ugle, for the Applicant.

Mr. Sameer mangaonkar, APP for Respondent-State.

Mr. N.M. Shinde, P.C., Paud Police Station.

CORAM : ASHWIN D. BHOBE, J.

DATE : 27th MAY, 2025

P.C. :-

1. Applicant/Accused has filed the present Application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short "**BNSS**") seeking Anticipatory Bail in connection with FIR bearing no. 0102/2025 dated 05.04.2025 registered with Paud Police Station, District Pune for the offences punishable under Sections 61(2), 318, 316(2),

336(2), 336(3), 338, 340(2) and 3(5) of the Bharatiya Nyaya Sanhita, 2023 (for short “**BNS**”).

2. Case of the prosecution is that the Applicant entered into a sale transaction with the Complainant Shri. Baba Ganpat Kharat for sale of land. Sale deed was executed on 11.07.2023. It is further case of the prosecution that the Applicant has not paid the consideration amount payable to the Complainant in terms of the sale deed. Cheques issued by the Applicant have returned dishonoured.

3. Mr. Vaibhav Ugle, learned Advocate for the Applicant states that the Complainant has given a criminal flavour to a dispute which at the most can be said to be a civil dispute. He submits that even if the allegation made in the FIR are considered, the same at the most would amount to breach of the terms of the Contract, which contract is evinced in the sale deed dated 11.07.2023. He submits that the Complainant has already instituted a suit for recovery of the consideration amount. Mr. Ugle submits that there is no criminality attached and therefore, filing of the Complaint itself would be an abuse

of process of law. He states that the Applicant has cooperated and is cooperating in the investigation of the said crime.

4. Learned APP states that though the subject matter of the Complaint appears to be of a civil nature, however, the Complainant has made allegations which attract the criminal law. He states that the custodial interrogation of the Applicant is required for the purpose of ascertaining the intention of the Applicant in issuing the cheque and not honouring them. Learned APP further states that the presence of Applicant is required to recover the balance consideration mentioned in the sale deed. For all the said reasons, learned APP opposes the Bail Application.

5. I have given due consideration to the arguments advanced by the learned Advocates and gone through the records with the able assistance of the learned Advocates.

6. In the case of *Rikhab Birani and Another V/s. State of Uttar Pradesh and Another*¹, the Hon'ble Supreme Court after taking notes of the Courts being flooded with criminal Complaints which essentially pertains to Breach of Contract,

¹ 2025 SCC OnLine SC 823

has referred to the law on the subject.

Facts of the case in hand gives an impression that the Police have taken cognizance of a case which apparently is a civil dispute and/or a transaction which at the most would attract remedies for a civil wrong.

7. Subject matter of the FIR bearing no.0102 of 2022 apparently pertains to a dispute between the Applicant and the Complainant arising out of a sale deed dated 11.07.2023. Allegations made in the FIR give an impression of the dispute being of Breach of Contract and/or non-payment of the balance consideration. Contentions of the Respondent indicate that the Complaint has been filed before the Police for recovery of the amount.

8. Considering the nature of allegation and the offences alleged, in my view, the custodial interrogation of the Applicant is not required. Learned APP on instructions from the Investigation Officer states that the Applicant has been cooperating with the investigation. Hence, the **Application is allowed**, the Applicant is secured by pre-arrest Bail subject to

the following conditions:

ORDER

(a) In the event of arrest of the Applicant in FIR No.0102 of 2025 registered with Paud Police Station, District Pune, the Applicant is directed to be released on bail on furnishing P.R. Bond in the sum of Rs. 50,000/- with one or two sureties in the like amount.

(b) Applicant shall furnish his residential address and contact number to the Investigation Office, Paud Police Station, District Pune.

(c) Applicant shall attend the Paud Police Station, District Pune and report to the Investigation Officer on the 1st and 3rd Monday of every month from 11.00 a.m. to 01.00 p.m. In the event the Investigation Officer, Paud Police Station, District Pune requires the Applicant on any other day, the Applicant shall comply with the said instructions of the Investigation Officer.

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

9. Anticipatory Bail Application is allowed in the above said terms.

[ASHWIN D. BHOBE, J.]