

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1479 OF 2025**

Kailash Baburao Kadam & Ors.

...Applicants

Versus

The State of Maharashtra

...Respondent

Mr. Satyavrat Joshi i/b. Mr. Samay Pawar, for the Applicants.
Ms. S. M. Yadav, APP, for the Respondent-State.
Ms. Snehal A. Jadhav, PSI, attached to Kondhwa Police Station,
Pune, present.

**CORAM: MADHAV J. JAMDAR, J.
DATED : 3rd DECEMBER 2025**

PC:-

1. Heard Mr. Joshi, learned Counsel appearing for the Applicants and Ms. Yadav, learned APP appearing for the Respondent-State.

2. The Applicants who are the accused Nos.1 to 5 have filed this application under Section 438 of the Code of Criminal Procedure, 1973 seeking pre-arrest bail in connection with C.R. No.244 of 2025 registered with Kondhwa Police Station, Pune for the offences punishable under Sections 420, 467, 468 and 471 read with Section 34 of the Indian Penal Code, 1860.

3. The First Informant is City Engineer of Pune Municipal Corporation, Pune.

4. As per the prosecution case, Akshay Construction submitted a proposal to the Pune Municipal Corporation seeking permission for the construction on the concerned property. The said proposal has been submitted through Licensed Architect-Rafik Chandmiya Jahagirdar. It was found that along with the said proposal, many documents are submitted including Certificate No.2134 of 2007 allegedly issued by the City Survey Department. It was found that the said document is fabricated document and therefore, offence is registered.

5. It is the submission of Mr. Joshi, learned Counsel appearing for the Applicants that the Applicants are ready and willing to cooperate with the investigation. He submits that the said proposal along with the documents has been submitted through Licensed Architect-Rafik Chandmiya Jahagirdar and the said proposal seeking construction permission, is found to be having one document which is forged and fabricated document. He submits that the Applicants who are the Partners of said Akshay Construction are not involved in the crime. In any case, he submits that the Applicants are ready and willing to cooperate with the investigation. He submits

that a learned Single Judge has already granted interim protection by order dated 18th June 2025. He further submits that the Licensed Architect-Rafik Chandmiya Jahagirdar against whom main allegations are made, has already been granted pre-arrest bail by the learned Additional Sessions Judge, Pune by order dated 24th June 2025 passed in Criminal Bail Application No.2969 of 2025. He submits that there are no other antecedents.

6. On the other hand, Ms. Yadav, learned APP strongly opposes the Anticipatory Bail Application. She submits that as the forged and fabricated document is produced to the Authority, allegedly issued by the Government Office i.e. the City Survey Department, the custodial interrogation of the Applicants is necessary. She submits that the role of the Licensed Architect-Rafik Chandmiya Jahagirdar to whom the pre-arrest bail is granted is totally different and in fact, the present Applicants are the beneficiaries. She therefore, submits that the Anticipatory Bail Application be rejected.

7. Perusal of the record shows that a learned Single Judge has already granted interim protection to the Applicants by order dated 18th June 2025. The said protection is continued for last about 7 months. There is nothing on record to indicate that the said protection is misused. Admittedly, the proposal seeking permission

has been applied through Licensed Architect-Rafik Chandmiya Jahagirdar. The concerned document and other documents along with construction proposal was submitted to the Pune Municipal Corporation by the Licensed Architect-Rafik Chandmiya Jahagirdar, who has been granted pre-arrest bail. There are no antecedents against the Applicants.

8. As the Applicants have undertaken to cooperate with the investigation, the case is made out for grant of Anticipatory Bail. In view thereof, the following order is passed:

ORDER

- (a) In the event of arrest of the Applicant No.1-Kailash Baburao Kadam, the Applicant No.2-Satyasheel Bhausaheb Patil, the Applicant No.3-Pandurang Khonde and the Applicant No.4-Meghna Mahesh Bhure and the Applicant No.5-Vanmala V. Bennisur in connection with C.R. No.244 of 2025 registered with the Kondhwa Police Station, Pune, the Applicants are directed to be released on bail on their furnishing P.R. Bond in the sum of Rs.50,000/- each with one or two solvent sureties each in the like amount.
- (b) The Applicants shall attend the Kondhwa Police

Station on 10th December 2025, 11th December 2025 and 12th December 2025 between 11:00 a.m. to 03:00 p.m. and shall co-operate with the investigation.

- (c) The Applicants shall attend the Kondhwa Police Station on every Sunday between 11:00 a.m. to 01:00 p.m. till filing of the chargesheet and shall cooperate with the investigation. In addition, the Applicant shall attend the concerned Police Station as and when called.
- (d) The Applicants shall furnish their cell phone number and residential address to the Investigating Officer and shall keep the same updated, in case of any change thereto.
- (e) The Applicants shall not directly or indirectly make any inducement, threat, or promise to any person acquainted with the facts of the case so as to dissuade such a person from disclosing the facts to the Court or to any Police personnel.
- (f) The Applicants shall not tamper with the prosecution evidence and shall not contact or influence the Complainant or any witness in any manner.
- (g) The Applicants shall not leave India without prior permission of the Court.

9. The Anticipatory Bail Application is disposed of accordingly.

[MADHAV J. JAMDAR, J.]

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