

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

Anticipatory Bail Application No.1582 of 2025

Sudhir Bharat Bhorade

Age-33 years, Occ.Business,

Residing at Wagholi, Tal: Haveli,

Dist: Pune

... Applicant

versus

The State of Maharashtra

Through Sr. Inspector, Wagholi

Police Station, Tal.: Haveli, District: Pune

... Respondent

Mr Prashant Hagare, for the applicant.

Mr Anand Shalgaonkar, APP, for the respondent/ State.

PI Shubhada Shailesh Sankhe, EOW, Pune City, is present.

Coram: R.N. Laddha, J.

Date: 2 July 2025.

P.C.:

By this application, the applicant seeks pre-arrest bail in connection with CR No.56 of 2025, registered at Wagholi Police Station, Pune, for offences punishable under Sections 406, 409 and 420 read with 34 of the Indian Penal Code.

2. It is the case of the prosecution that in December 2021, Vision Valley Developers advertised plots for sale in Wagholi, Pune. The informant, interested in making an investment, engaged with Prashant Goli, an agent representing the

organisation, who provided essential information and documentation regarding the properties. Following a visit to the developer's office and discussions with the partners, including the applicant, the informant received assurances regarding the marketable title of the land. Accordingly, the informant decided to purchase plots 23 and 24 on Gat No.405 for a significant total of Rs.26,00,000/-. Subsequently, a sale deed was executed and registered at the Office of the Sub-Registrar of Assurances in Haveli 8, Pune, under registration No.5760 of 2022. Upon attempting to mutate the 7/12 extract, the informant discovered that vide an order dated 25 August 2016, passed by the Hon'ble Justice Lodha Committee constituted by the Hon'ble Supreme Court in Civil Appeal No.13301 of 2015, all transfers, including sales transactions, pertaining to Gat Nos.405 and 422 were prohibited. When the informant confronted the applicant, he was informed that Vision Valley Developers had no connection to the Lodha Committee and that the matter would be resolved in due course. Later, during a meeting involving the plot buyers and the accused, one Chandrakant Sanglikar claimed that accused No.1 would address the title deficiencies and revealed that a No Objection Certificate (NOC) for the land had been obtained in 2018, which was not reflected or updated in the official records. Sanglikar also reassured the plot buyers that the title

defects would be rectified by November 2023 and promised refunds should the title issues remain unaddressed. Despite such assurances, the title defects persisted. The applicant and co-accused, fully aware of the restriction on the sale of parcels of land on Gat Nos.405 and 422, misled unsuspecting buyers into investing substantial sums of money, ultimately amassing a total of Rs.5.7 crores through fraudulent means.

3. Mr Prashant Hagare, the learned Counsel appearing on behalf of the applicant, contends that after fulfilling all necessary formalities and receiving assurances from the landowner, accused No.1, the applicant proceeded to market the plots for sale. The applicant merely acted as a consenting party to the sale deeds that were executed between accused No.1 and the buyers. These sale deeds were executed between July 2021 and July 2023, during which time there was no entry in the revenue records indicating any prohibition on the sale of lands identified by Gat Nos.405 and 422. The applicant operated in good faith, relying on the documents provided to him, and should not be held liable for the lack of updated mutation entries. The learned Counsel further asserts that the applicant has been falsely implicated in the crime and is willing to comply with any conditions the Court might impose if granted bail.

4. Conversely, Mr Anand Shalgaonkar, the learned Additional Public Prosecutor representing the State, contends that the offence is serious. The applicant serves as a partner in Vision Valley Developers and is engaged in the business of land plotting and sales in Pune. The applicant's firm publicly advertised the sale of plots on land that is restricted from sale by the Hon'ble Supreme Court. Despite having knowledge of the prohibition on the transfer of Gat Nos.405 and 422, the applicant has reportedly enticed unsuspecting buyers into purchasing the plots, resulting in the collection of a total of Rs.70,45,500/-. The applicant stands to benefit from the prohibited transactions. The learned APP highlights that the investigation is ongoing, with several victims coming forward. The applicant's custodial interrogation is deemed necessary to unmask the individuals involved in the crime. If the applicant is granted pre-arrest bail, he may tamper with the evidence and influence witnesses.

5. This Court has given anxious consideration to the rival contentions and perused the records.

6. It is a settled position in law that granting pre-arrest bail is an extraordinary power. While regular bail is generally considered the norm, the same principle does not apply to anticipatory bail. Considering each case's circumstances, the

Court must exercise careful and prudent discretion when deciding whether to grant anticipatory bail. There is no straitjacket formula. Caution is necessary, as granting protection in serious cases could hinder investigation or lead to a miscarriage of justice by allowing tampering with evidence. A profitable reference in this regard can be made to the decision in *Srikant Upadhyay Vs State of Bihar, 2024 SCC OnLine SC 282*.

7. Upon perusing the records, it appears that the applicant stands accused of orchestrating a deceptive scheme aimed at enticing individuals to purchase plots located on Gat No.405 at Wagholi, Pune. In furtherance of this scheme, the applicant and the co-accused provided false assurances to buyers, claiming that the title to the land was clear and marketable. Misled by these false assurances, the informant, along with other unsuspecting buyers, proceeded to invest in the plots. As a result, sale deeds were executed and registered at the Office of the Sub-Registrar of Assurances, despite the land being subject to a strict prohibition on transfer. A cursory reading of the records, particularly the order dated 25 August 2016 passed by the Hon'ble Shri Justice Lodha Committee constituted by the Hon'ble Supreme Court in Civil Appeal No.13301 of 2015 and the letter dated 24 October 2016 from the Upper District

Collector of Pune, clearly indicates that a definitive directive was issued to prohibit any sale and recording entries for lands bearing Gat Nos.405 and 422. Despite this unequivocal directive, parcels of land were sold unauthorisedly, and such sales were documented and admitted to registration. Notably, the applicant admits to signing such purported sale deeds as a consenting party. Furthermore, the applicant appears to have profited significantly from these illicit transactions, accumulating Rs.36,28,500/- in cash and Rs.34,17,000/- through online channels. The material on record *prima facie* suggests the applicant's involvement in the crime, and there are similarly circumstanced victims. Moreover, by an order dated 30 April 2025, passed in ABA No.1020 of 2025, this Court denied the grant of pre-arrest bail to co-accused Shubham, who is a partner of M/s Vision Valley Developers. It is also imperative to note that the Sessions Court rejected the applicant's application for anticipatory bail on 25 March 2025; however, the present application was preferred only on 12 June 2025, indicating a delay without any plausible explanation. Furthermore, during the intervention period, the applicant remained untraceable and failed to extend any cooperation to the investigating agency, thereby impeding the progress of the investigation. Such conduct and the seriousness of the offence undermine the applicant's claim for discretionary relief.

8. In light of the overall circumstances, this Court finds no merit in the applicant's assertion of ignorance regarding the restriction on transferring the lands in question as mandated by the Hon'ble Supreme Court and the absence of a necessary entry in the revenue records. In cases of this nature, custodial interrogation is often indispensable to uncover the scope of the fraudulent activity and its intricacies. The possibility of there being similarly circumstanced additional victims is also imminent. The release of the applicant on pre-arrest bail would jeopardise the course of an effective investigation. I am, therefore, not inclined to exercise the discretion in favour of the applicant. As a result, the application for pre-arrest bail stands rejected.

(R.N. Laddha, J.)