

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.2177 OF 2025**

1. Mr. Kamallesh Kanayalal Gandhi	...Applicants
2. Mr. Mohan Shahaji Thorat	
<i>Versus</i>	
State of Maharashtra	...Respondent

Mr. Pavan S. Patil a/w Mr. Tanmay A. Deshmukh and Mr. Shubham Saraf, Advocate for Applicants.
Mr. Sameer Mangaonkar, APP for the State.
PSI, Mr. A.N. Katpale, Dighi Police Station, present.

CORAM: MADHAV J. JAMDAR, J.
DATED : 27th November 2025

P.C.:

1. Heard Mr. Patil, learned Counsel appearing for the Applicants and Mr. Mangaonkar, learned APP for the State.

2. By this application filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ("BNSS"), the Applicants are seeking pre-arrest bail in connection with C.R. No.320 of 2025 registered with Dighi Police Station, Pimpri-Chinchwad, for the offences punishable under Sections 318(4), 336(2), 336(3) 340(2), 61(2) and 3(5) of the Bharatiya Nyaya Sanhita, 2023 ("BNS").

3. As per the prosecution case, the Applicants who are the Developers have been granted 20% additional F.S.I. as Developer was constructing the premises for Economically Weaker Sections (E.W.S.) and for Lower Income Group (L.I.G.). As per the prosecution case, three premises which are to be sold to E.W.S. and L.I.G. category persons have been sold by the Builder/ Developer in the open market for valuable consideration.

4. Mr. Patil, learned Counsel for the Applicants submitted that the Applicants have given intimation to the MHADA for sale of said flats and as per the rules, if within six months of such intimation if MHADA fails to forward the list of allottees, then the Developer is entitled to sell the same in the open market. He submits that the Applicants are not involved in the crime. However, he submits that without prejudice to this submission, the Applicants are ready and willing to deposit the price which they have received by sale of these flats in the learned Trial Court.

5. Mr. Mangaonkar, learned APP strongly opposed the Application. He submits that the Applicants are involved in serious

crime as the premises meant to be allotted to E.W.S. and L.I.G. category persons have been sold in the open market.

6. Perusal of the record shows that if the allegations contained in the F.I.R. are true, then the offence is very serious, however, in the facts and circumstances, custodial interrogation is not necessary. The Applicants have no antecedents.

7. The additional Affidavit dated 14th November 2025 filed by the Applicant Nos. 1 and 2 stating that the Applicants are voluntarily ready to deposit the consideration received from sale of the concerned three flats before the learned Trial Court is taken on record. The Applicants are permitted to deposit said amount before the learned Trial Court within a period of two weeks from today. The learned Trial Court to pass appropriate Order with respect to the said amount after completion of the trial at the time of passing final Judgment. The learned Trial Court shall direct investment of the said amount in Fixed Deposits of the nationalised bank till completion of the trial.

8. A learned Single Judge has already granted protection to the Applicants by Order dated 5th August 2025 passed in this

Anticipatory Bail Application. Accordingly, by imposing certain conditions, pre-arrest bail can be granted to the Applicants. Hence, following Order is passed:

ORDER

- (i) In the event of arrest, the Applicants - 1. Mr. Kamallesh Kanayalal Gandhi and 2. Mr. Mohan Shahaji Thorat be released on bail in C.R. No.320 of 2025 registered with Dighi Police Station, Pimpri-Chinchwad, on executing P.R. bond of Rs.1,00,000/- each and furnishing one or two sureties in the like amount.
- (ii) The Applicants shall attend the concerned Police Station as and when called by the Police and shall co-operate with the investigation.
- (iii) The Applicants shall furnish their cell phone numbers and residential address to the Investigating Officer and shall keep the same updated, in case of any change thereto.

- (iv) 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.
- (v) The Applicants shall not leave India without prior permission of the Court.
- (vi) The Applicants shall not tamper with the prosecution evidence and shall not contact or influence the Complainant, or any witness, in any manner.
- (vii) The additional Affidavit dated 14th November 2025 filed by the Applicant Nos. 1 and 2 stating that the Applicants are voluntarily ready to deposit the consideration received from sale of these three flats before the learned Trial Court is taken on record. The Applicants are permitted to deposit said amount before the learned Trial Court within a period of two weeks from today. The learned Trial Court to pass

appropriate Order with respect to the said amount after completion of the trial at the time of passing final Judgment. The learned Trial Court shall direct investment of the said amount in Fixed Deposits of the nationalised bank till completion of the trial.

9. The Anticipatory Bail Application is allowed and disposed of accordingly.

BHALCHANDRA
GOPAL DUSANE

(MADHAV J. JAMDAR, J.)

Digitally signed by
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GOPAL DUSANE
Date: 2025.11.28
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