

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.2398 OF 2025

Divya Umakant Dhake	...Applicant
<i>Versus</i>	
The State of Maharashtra	...Respondent

Mr. Harshad Sathe, for the Applicant.
Mr. S. M. Mangaonkar, APP, for the Respondent-State.
Mr. Atul Jadhav, PSI, attached to Pimpri Police Station, Pimpri-Chinchwad, Pune, present.

CORAM: MADHAV J. JAMDAR, J.
DATED : 7th OCTOBER 2025

PC:-

1. Heard Mr. Sathe, learned Counsel appearing for the Applicant and Mr. Mangaonkar, learned APP appearing for the Respondent-State.

2. This application is filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 seeking pre-arrest bail in connection with C.R. No.286 of 2025 registered with Pimpri Police Station, Pimpri-Chinchwad, Pune, for the offences punishable under Sections 318(1), 318(4), 335, 338, 336(3), 3(5) of the Bharatiya Nyaya Sanhita, 2023.

3. The Accused Nos. 1 and 2 are the parents and the Accused No.3 is the brother of the present Applicant i.e. Accused No.4. As per the prosecution case, all the accused represented that the flats constructed by MHADA and allotted to some allottees, however, not accepted by those allottees and therefore, are cancelled, then such flats could be sold and the accused would ensure that the same would be sold to the First Informant and other victims at concessional rate.

4. As per the F.I.R., huge amounts were collected from various persons by the accused persons amounting to Rs.46,29,000/- and in fact, forged and fabricated allotment letters were also issued in favour of such persons. The FIR mentions names of 22 victims of said fraudulent activity conducted by the accused persons and further mentions that the accused have cheated more than 100 persons and have collected more than Rs.2,00,00,000/-.

5. It is the main contention of Mr. Sathe, learned Counsel appearing for the Applicant that the main accused are accused Nos.1 and 2 i.e. the parents of the Applicant and the accused No.3 i.e. the brother of the Applicant, however, the Applicant is not

involved in the crime. He submits that the only role attributed to the Applicant is that the Applicant was present when the incident in question took place.

6. Mr. Mangaonkar, learned APP strongly opposes the granting of Anticipatory Bail Application. He submits that in fact, all the accused have participated in the crime. He submits that the amount of about Rs.13,00,000/- has been deposited by the co-accused i.e. Jaya Umakant Dhake i.e. the mother of the Applicant in the account of the present Applicant. Mr. Mangaonkar, learned APP submitted that in fact, total amount involved in the crime as per the further investigation is Rs.3,70,00,000/-. He submits that the Applicant has received about Rs.13,00,000/-.

7. In any case, the material on record shows that the Applicant is involved in the crime where, forged and fabricated allotment letters were issued in favour of the First Informant and various other victims by accepting huge consideration.

8. The Supreme Court in the case of *Nikita Jagganath Shetty alias Nikita Vishwajeet Jadhav vs. State of Maharashtra*¹ has held that the Anticipatory Bail is an exceptional remedy and ought not be granted in a routine manner. There must exist strong reasons for extending indulgence of this extraordinary remedy to a person accused of grave offence. It has been further held that while exercising power to grant pre-arrest bail, the Court has to be cautious as the grant of interim protection or protection to the accused in serious cases may lead to miscarriage of justice and may hamper the investigation to a great extent as it may sometimes lead to tampering or distraction of the evidence.

9. Thus, in the facts and circumstances, the custodial interrogation of the Applicant is necessary. No case is made out for grant of Anticipatory Bail.

10. Accordingly, the Anticipatory Bail Application is dismissed.

[MADHAV J. JAMDAR, J.]

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