

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.2661 OF 2025

Yogesh Sureh Gaikwad	...Applicant
<i>Versus</i>	
State of Maharashtra	...Respondent

Mr. Ganesh Bhujbal. Advocate for Applicant.
Mr. C.D. Mali, APP for the State.

CORAM: MADHAV J. JAMDAR, J.
DATED : 10th October 2025

P.C.:

1. Heard Mr. Bhujbal, learned Counsel appearing for the Applicant and Mr. Mali, learned APP for the State.

2. By this application filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ("BNSS"), the Applicant is seeking pre-arrest bail in connection with C.R. No.580 of 2025, registered with Shirur Police Station, District-Pune, for the offences punishable under Sections 316(2), 318(4) read with Section 3(5) of the Bharatiya Nyaya Sanhita, 2023 ("BNS").

3. Mr. Bhujbal, learned Counsel for the Applicant submitted that the role of the Applicant is very limited. He was working as

Business Development Manager and he is not involved in the crime. He submits that the Accused Nos.2 and 3, are the Directors of the Bank and they are involved in the crime. He further submits that there are no antecedents.

4. On the other hand, learned APP strongly opposes granting pre-arrest bail to the Applicant. He submits that the Applicant is involved in the crime. He submits that in fact the said Bank namely Swamidatta Urban Shirur Nidhi Limited has no Banking License and inspite of that banking business was conducted and huge amounts were accepted from the various investors and same have not been returned to them. He submits that even the leave and license agreement of the premises in question is in the name of the present Applicant, where the alleged banking business was being conducted. He therefore, submits that the Applicant has played major role and therefore the custodial interrogation is necessary. It is the submission of Mr. Mali that all the Accused are absconding. The co-Accused including the present Applicant is not available for investigation.

5. Perusal of record shows that as per the prosecution case, the First Informant is resident of Shirur, District- Pune. In the year 2021, Swamidatta Urban Shirur Nidhi Limited had opened its office in Shirur. The said bank had issued several advertisements inviting public at large to invest money. The office of said Urban Shirur Nidhi Limited has been opened at village Deodaithan, Taluka Shrigonda, District- Ahmednagar. The Leave and license agreement executed is in favour of the Applicant. The Applicant was handling the affairs of said Branch.

6. As rightly observed by the learned Additional District Court, Pune, it is likely that there are several victims in the crime and therefore detailed custodial interrogation is necessary.

7. The Supreme Court has observed that normally the power to grant anticipatory bail should not be exercised in cases involving serious offenses, specifically mentioning the magnitude of economic offenses. The Supreme Court 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.

8. Accordingly, no case is made out for grant of anticipatory bail to the Applicant. The Anticipatory Bail Application is dismissed.

(MADHAV J. JAMDAR, J.)