

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.2913 OF 2025**

Harsha Sandeep Patel And Anr.	...Applicants
<i>Versus</i>	
The State of Maharashtra	...Respondent

**WITH
ANTICIPATORY BAIL APPLICATION NO.2855 OF 2025**

Raju Gorakhnath Mali	...Applicant
<i>Versus</i>	
The State of Maharashtra And Anr.	...Respondents

Mr. Saurabh K. Raut a/w Manish Kelkar, for the Applicants (in ABA/2913/2025).
Mr. Shekhar Jagtap a/w Mr. Sanket Khandagale i/b J. Shekhar Associates, for the Applicant (in ABA/2855/2025).
Ms. R.V. Newton, APP, for the Respondent-State (in ABA/2913/2025).
Mr. S. A. Karmakar, APP, for the Respondent-State (in ABA/2955/2025).
Mr. Ashish Sonawane, for the Complainant.
Mr. Anita D., PSI, attached to Dehuroad Police Station, Pimpri Chinchwad, present.

**CORAM: MADHAV J. JAMDAR, J.
DATED : 20th NOVEMBER 2025**

PC:-

1. Heard Mr. Saurabh Raut and Mr. Shekhar Jagtap, learned Counsels appearing for the Applicants, Ms. Newton and Mr.

Karmakar, learned APPs appearing for the Respondent-State and Mr. Ashish Sonawane, learned Counsel for the Complainant.

2. By these Anticipatory Bail Applications 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.297 of 2025 registered with Dehu Road Police Station, District Pimpri Chinchwad, Pune for the offence punishable under Sections 406, 420 and under Section 34 of the Bharatiya Nyaya Sanhita, 2023 (“**BNS**”).

3. The Applicant- Harsha Sandeep Patel (Accused No.4) and Applicant- Sandeep Gopalbhai Patel (Accused No.2) are Applicants in Anticipatory Bail Application No.2913 of 2025 and the Applicant- Raju Gorakhnath Mali (Accused No.1) is Applicant in Anticipatory Bail Application No.2855 of 2025.

4. As per the prosecution case, the First Informant- Akshay Jagannath Yadav is a flat purchaser who has purchased Flat No.706, B Wing in Arunya Sahakari Grauhnirman Sanstha, Pune (hereinafter referred as “said Society”). There are about 7 other

flat purchasers who have purchased respective flats in said Society. As per the prosecution case all these flats were mortgaged with Shree Bhairavnath Nagari Sahakari Pathsanstha, Bhosri (hereinafter referred as “said Pathsanstha”) by the Accused by availing huge loan. It is the prosecution case that these 8 flat purchasers have in aggregate paid an amount of Rs.1,84,05,370/-, however, the flats which have been sold to them are already mortgaged with said Pathsanstha and therefore, these flat purchasers could not get ownership of the said flats.

5. It is the submission of Mr. Jagtap, learned Counsel appearing for the Applicant in Anticipatory Bail Application No.2855 of 2025 that, subsequently, the said loan is entirely repaid to said Pathsanstha and now the subject flats are unencumbered flats. He submits that the Applicant will execute the registered Sale Deed in favour of the flat purchasers named in the FIR with respect to the respective flats within a period of 4 weeks from today without requiring the flat purchasers to pay any extra amount. The said statement made on behalf of the Applicants is accepted as undertaking given to this Court.

6. As far as Mr. Raut, learned Counsel appearing for the Applicant in Anticipatory Bail Application No.2913 of 2025 submits that these Applicants have already retired from the Partnership Firm.

7. Mr. Ashish Sonawane, learned Counsel appearing for the First Informant states that when these flats were sold to the flat purchasers it was informed to the flat purchasers that the same are unencumbered when they were already mortgaged with said Pathsanstha and therefore, fraud has been played on the flat purchasers.

8. Perusal of the record shows that *prima facie* the allegations against the Applicants are very serious. Flats which have been mortgaged with said Pathsanstha have been shown as unencumbered and the same have been sold to the flat purchasers named in the FIR. However, Mr. Jagtap, learned Counsel appearing for the Applicant in Anticipatory Bail Application No.2855 of 2025 has made the submission that, subsequently, the entire loan of said Pathsanstha has been cleared and now the flats are unencumbered and the said Applicant will take effective steps and execute

registered Sale Deed with respect to the respective flats in favour of the respective flat purchasers without they requiring to pay any extra amount within a period of 1 month and as the said statement is accepted as undertaking given to this Court, pre-arrest bail can be granted to the Applicants.

9. One more reason for granting Anticipatory Bail is that both the learned Counsel states that the Applicants will cooperate with the investigation.

10. There are no other antecedents.

11. Accordingly the case is made out for grant of Anticipatory Bail by imposing stringent conditions.

12. In view thereof, the following order is passed:

ORDER

(a) In the event of arrest of the Applicant No.1- Harsha Sandeep Patel and Applicant No.2- Sandeep Gopalbhai Patel (in ABA/2913/2025) and Applicant- Raju Gorakhnath Mali (in ABA/2855/2025) in

connection with C.R. No.297 of 2024 registered with the Dehu Road Police Station, Pimpri Chinchwad the Applicants are directed to be released on bail on they furnishing P.R. Bond in the sum of Rs.1,00,000/- each with one or two solvent sureties in the like amount.

- (b)** The Applicants shall attend the concerned Police Station on 27th November 2025 and 28th November 2025 between 11:00 a.m. to 02:00 p.m. and thereafter as when called by the Investigating Officer till filing of the chargesheet and shall cooperate with the investigation.
- (c)** The Applicants shall furnish their cell phone numbers and residential addresses to the Investigating Officer and shall keep the same updated, in case of any change thereto.
- (d)** 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.

- (e) The Applicants shall not tamper with the prosecution evidence and shall not contact or influence the Complainant or any witness in any manner.
- (f) The Applicants shall not leave India without prior permission of the Court.

13. The Anticipatory Bail Application is disposed of accordingly.

[MADHAV J. JAMDAR, J.]