

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.2959 OF 2025

Kundan Ashok Deore	...Applicant
<i>Versus</i>	
The State of Maharashtra	...Respondent

Mr. Rahul S. Kate, for the Applicant.
Mr. S. A. Karmakar, APP, for the Respondent-State.
Mr. Umakanth Eknath Bachhav, Police Constable, attached to
Satana Police Station, Nashik Rural, Nashik, present.

CORAM: MADHAV J. JAMDAR, J.
DATED : 3rd NOVEMBER 2025

PC:-

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

2. The Applicant is seeking pre-arrest bail in connection with C.R. No.621 of 2025 registered with Satana Police Station, Dist. Nashik, for the offence punishable under Sections 420 and 34 of the Indian Penal Code, 1860.

3. The prosecution case is set out in paragraph Nos.5 to 7 of the order dated 15th October 2025 passed by the learned Additional Sessions Judge, Malegaon, Dist. Nashik in Criminal Bail Application No.935 of 2025. The said paragraph Nos.5 to 7 read as under:

“5. The informant is an agriculturist reside at village Mahal Patane, Taluka - Deola, District – Nashik. His son Mohan has completed education in M.A. B. Ed. Presently his son is in a private institute as a teacher. The informant met to the applicant through his relative at the house of the said relative. The applicant promised for the job as a teacher in a school having grant of the government with the help of accused No.2 – Dhananjay Kapadnis. At that time, the applicant stated to the informant that accused No.2 was holding a higher post in a Office of Secretariat / Mantralaya. On 18.6.2022 the present applicant has shown the 136 marks to the son of informant without appearing for Teachers Eligibility Test (TET) examination. Thus the applicant gained the trust of the informant as such informant initially parted amount of Rs.8,50,000/- at the house of Pratap Rajaram Sonawane in presence of Anil Abhiman Chavan and Manisha Pratap Sonawane.

6. Further, the informant in order to get employment to his son again parted amount to the bank account of the wife of applicant on 1.8.2022 for Rs.2,50,000/- and on 5.9.2022 for Rs.5,00,000/-. The informant parted amount of Rs.2,00,000/- on the bank account of this applicant on 1.8.2022. Thus the informant in all given Rs.18,00,000/- to the applicant. Then later this

applicant started avoiding to repay the amount. The applicant and accused No.2 have come towards Informant and promised to pay his amount. The accused No.2 issued a cheque of Rs.10,00,000/- towards refund of amount. The present applicant repaid amount of Rs.5,46,000/- from time to time to the informant through phone pay. The accused No.2 repaid amount of Rs.1,50,000/- on 8.8.2025 to the bank account of son of informant. Thus informant received total amount of Rs.6,96,000/- from the applicant and accused No.2 from total amount of Rs.18,00,000/-. The cheques issued by present applicant and accused No.2 are dishonoured. The prosecution under section 138 of N.I. Act is filed against them. The amount of Rs.11,04,000/- is still due towards the accused. The informant sold 1 Acre land in order to pay the amount to accused. Thus the applicant and accused No.2 have cheated to the informant under the garb of promise to give employment to his son as a teacher in a Education Institute.

7. On that count, the informant lodged the report at police station Satana on 22.09.2025. The police station officer Satana registered crime No.621/2025 for the offence punishable under Section 420 read with section 34 of the Bharatiya Nyay Sanhita, 2023 against present applicant and other accused”.

4. It is the submission of Mr. Kate, learned Counsel appearing for the Applicant that in fact, the Applicant has filed N.C. on 16th March 2025 and the FIR has been lodged thereafter on 22nd September 2025. He further submits that in fact, the transaction is of loan transaction and therefore, the document dated 28th August

2024 is executed between the present Applicant, the First Informant and one Dhananjay Kapadnis i.e. accused No.2. He therefore, submits that the FIR lodged is false FIR and therefore, the Applicant is entitled for pre-arrest bail.

5. On the other hand, Mr. Karmakar, learned APP appearing for the Respondent-State strongly opposed the Anticipatory Bail Application. He submits that the allegations are very serious. He submits that the Applicant has promised the job as teacher in a school receiving Government Grant and for that, the accused No.2-Dhananjay Kapadnis would help. It was represented that the accused No.2 was holding a higher post in Mantralaya. On the said assurance, huge amount of Rs.18,00,000/- have been received by the Applicants from the First Informant. Learned APP further points out the observations of the learned Additional Sessions Judge, Malegaon, Dist. Nashik in the said order dated 15th October 2025 and more particularly, paragraph No.14 of the same.

6. Perusal of the record shows that the offence is very serious. The Applicant, who is accused No.1 along with accused No.2 has accepted an amount of Rs.18,00,000/- by assuring the First

Informant that he would be provided a job as a teacher in a school which is receiving the Government Grant. The offence is very serious where custodial interrogation of the Applicant is necessary. Although it is the contention of the learned Counsel of the Applicant that the transaction is loan transaction, the learned Additional Sessions Judge, Malegaon, Dist. Nashik has observed in the said order dated 15th October 2025 by which, the Anticipatory Bail Application is rejected that the First Informant has produced the memory card having recordings of the communication between the First Informant and the Applicant and the said communication is concerning parting of the amount by the First Informant to the Applicant in respect of providing employment to his son in educational institute.

7. The Supreme Court in the decision of *Nikita Jagganath Shetty vs. State of Maharashtra*¹ has observed that anticipatory bail is an exceptional remedy and ought not to be granted in a routine manner. There must exist strong reasons for extending indulgence of this extraordinary remedy to a person accused of grave offences. It has been further observed by the Supreme Court that the Court

1 2025 SCC OnLine SC 1489

should be very cautious while dealing with the applications for anticipatory bail 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. As already noted, the offence is very serious. Therefore, the custodial interrogation of the Applicant is necessary. The above observations of the Supreme Court are applicable to the present case.

9. Accordingly, the Anticipatory Bail Application is dismissed.

[MADHAV J. JAMDAR, J.]

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