

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1109 OF 2025**

Shripal Kishor Bhandari	...Applicant
<i>Versus</i>	
The State of Maharashtra & Anr.	...Respondents

**WITH
ANTICIPATORY BAIL APPLICATION NO.3271 OF 2025**

Yogesh Kishor Bhandari	...Applicant
<i>Versus</i>	
The State of Maharashtra & Anr.	...Respondents

**WITH
ANTICIPATORY BAIL APPLICATION NO.3272 OF 2025**

Kishor Biradmal Bhandari	...Applicant
<i>Versus</i>	
The State of Maharashtra & Anr.	...Respondents

Mr. Darshan Sahuji (through Video Conferencing), for the Applicant in ABA/1109/2025.
Mr. Rohan Barge, for the Applicants in ABA/3271/2025 and ABA/3272/2025.
Mr. S. M. Mangaonkar, APP, for the Respondent-State in ABA/1109/2025 and ABA/3271/2025.
Mr. S. A. Karmakar, APP, for the Respondent-State in ABA/3272/2025.
Ms. Madhura Gavi (through Video Conferencing) i/b. Mr. Manish N. Bijutkar and Mr. Vinay Mishra, for the Respondent No.2
Ms. Sneha H. Barve, API, EOW, Nashik City, Nashik, present.
present.

**CORAM: MADHAV J. JAMDAR, J.
DATED : 2nd DECEMBER 2025**

PC:-

1. Heard Mr. Sahuji, learned Counsel appearing for the Applicant in Anticipatory Bail Application No.1109 of 2025, Mr. Barge, learned Counsel appearing for the Applicants in Anticipatory Bail Application No.3271 of 2025 and Anticipatory Bail Application No.3272 of 2025, Mr. Mangaonkar, learned APP and Mr. Karmakar, learned APP, appearing for the Respondent No.1-State and Ms. Gavi, learned Counsel appearing for the Respondent No.2.

2. These applications are filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 seeking pre-arrest bail by the Applicant i.e. accused No.1-Kishor Biradmal Bhandari (Anticipatory Bail Application No.3272 of 2025), the Applicant i.e. accused No.2-Yogesh Kishor Bhandari (Anticipatory Bail Application No.3271 of 2025) and the Applicant i.e. accused No.3-Shripal Kishor Bhandari (Anticipatory Bail Application No.1109 of 2025) in connection with C.R. No.40 of 2025 registered with Gangapur Police Station, District- Nashik, for the offences punishable under Sections 3(5), 316(2), 316(5) and 318(4) of the Bharatiya Nyaya Sanhita, 2023.

3. As per the prosecution case, the accused No.1-Kishor Bhandari represented to the First Informant that he is having

Finance Company which provides loans to the industrialists for setting up their industries. The accused Nos.2 and 3 are his sons. As the First Informant was having requirement of loan, he met said accused No.1-Kishor Bhandari as also accused Nos.2 and 3 i.e. Yogesh Bhandari and Shripal Bhandari. All these accused informed the First Informant that loan would be provided to the First Informant, however, 10% of the amount of the loan is required to be given to them. Accordingly, from time to time an amount of Rs.82,60,000/- has been provided as loan of Rs.8,00,00,000/- was assured. It is the prosecution case that the same has also been recorded in MOU dated 16th February 2021 and cheque of Rs.8,00,00,000/- (Rs. Eight Crores only) was given to the First Informant regarding the said loan. However, the said cheque was dishonoured.

4. It is the submission of Mr. Barge, learned Counsel appearing for the Applicants in Anticipatory Bail Application No.3271 of 2025 and Anticipatory Bail Application No.3272 of 2025 that the transaction is something different and even the proceedings under Section 138 of the Negotiable Instruments Act, 1881 are also filed concerning cheque of Rs.10,00,000/-. He submits that the Applicants

have already paid Rs.13,00,000/- to the First Informant. He therefore, submits that pre-arrest bail be granted.

5. Mr. Sahuji, learned Counsel appearing for the Applicant in Anticipatory Bail Application No.1109 of 2025 submits that the Applicant has no antecedents and he is not involved in the crime.

6. On the other hand, Mr. Mangaonkar, learned APP and Mr. Karmakar, learned APP appearing for the Respondent No.1-State and Ms. Gavi, learned Counsel appearing for the Respondent No.2 submit that the offence is very serious. The Applicants -Kishor Bhandari and Yogesh Bhandari are involved in a similar crime being C.R. No.221 of 2022 registered with Sahakar Nagar Police Station, Pune City, Pune. All of them submit that as the Applicants falsely represented that an amount of Rs.8,00,00,000/- (Rs. Eight Crores Only) would be provided as loan, an amount of Rs.82,60,000/- was paid by the First Informant from time to time to the Applicants. The said MOU dated 16th February 2021 has been executed and cheque of Rs.8,00,00,000/- (Rs. Eight Crores Only) was also given which was dishonoured. All of them submit that the custodial interrogation of the Applicants is necessary.

7. Perusal of the record shows that by falsely representing that the Applicants would pay an amount of Rs.8,00,00,000/- (Rs. Eight Crores) as loan the Applicant made the First Informant to pay an amount of Rs.82,60,000/- The said MOU dated 16th February 2021 was also executed concerning the same and to show that loan of Rs.8,00,00,000/- (Rs. Eight Crores Only) was granted to the First Informant, cheque of Rs.8,00,00,000/- (Rs. Eight Crores Only) was also given, which was dishonoured. Although, a proceeding under Section 138 of the Negotiable Instruments Act, 1881 is filed concerning a cheque of Rs.10,00,000/- which according to learned Counsel appearing for the First Informant is concerning some different transaction.

8. The Applicants (except Applicant-Shripal Kishor Bhandari) are involved in similar kind of offences being C.R. No.221 of 2022 registered with Sahakar Nagar Police Station, Pune City, Pune. Although, there is no antecedent against Shripal Kishor Bhandari, perusal of the record shows that very serious allegations are made even against the Applicant-Shripal Bhandari and amount of Rs.5,00,000/- has been received in his account deposited by the First Informant. A very huge amount of Rs. 82,60,000/- has been received by all the accused by fraudulently and dishonestly inducing the First

Informant to pay the said huge amount. Thus, it is clear that all the accused are acting in conspiracy with each other and the crime is committed with planning and therefore the custodial interrogation of the Applicants is absolutely necessary.

9. As held by the Supreme Court in the case of ***Nikita Jagganath Shetty vs. State of Maharashtra***¹, 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 that the Court 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.

10. The Supreme Court in the case of ***State Rep. By the C.B.I. vs. Anil Sharma***² has held as follows:

“6. We find force in the submission of the CBI that custodial interrogation is qualitatively more

1 2025 SCC OnLine SC 1489

2 (1997) 7 SCC 187

elicitation-oriented than questioning a suspect who is well ensconced with a favourable order under Section 438 of the Code. In a case like this effective interrogation of a suspected person is of tremendous advantage in disinterring many useful informations and also materials which would have been concealed. Success in such interrogation would elude if the suspected person knows that he is well protected and insulated by a pre-arrest bail order during the time he is interrogated. Very often interrogation in such a condition would reduce to a mere ritual. The argument that the custodial interrogation is fraught with the danger of the person being subjected to third-degree methods need not be countenanced, for, such an argument can be advanced by all accused in all criminal cases. The Court has to presume that responsible police officers would conduct themselves in a responsible manner and that those entrusted with the task of disinterring offences would not conduct themselves as offenders.”

11. Thus, the Supreme Court has held that custodial custodial interrogation is qualitatively more elicitation- oriented than questioning a suspect who is well ensconced with a favourable order under Section 438 of the Code.

12. In this particular case, as the crime is very serious and committed with pre-planning, the custodial interrogation of the Applicants is necessary.

13. Accordingly, no case is made out for grant of Anticipatory Bail.

14. The Anticipatory Bail Applications are dismissed.

[MADHAV J. JAMDAR, J.]