IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 2148 OF 2025

Santosh Kacharu Salunke
….Applicant

VERSUS

The State Of Maharashtra And Another
…..Respondent

…..

Advocate for Applicant : Mr. Ghanekar Nilesh S.
APP for Respondents: Mr. R.K. Ingole.

CORAM : MEHROZ K. PATHAN, J.

DATE : 19th JANUARY, 2026.

P.C. :-

1. The applicant has approached this court seeking anticipatory bail in connection with Crime No. 985 of 2025, registered with Tophkhana Police Station, Dist. Ahilyanagar, for the offence punisuable under Section 420 of the IPC.

2. The case of the prosecution is that, the applicant decided to sell his house. Negotiations took place between the parties and the informant agreed to purchase the said house for a consideration of Rs.10,20,000/-. The informant paid an amount of Rs. 7,42,000/- in cash and Rs. 2,78,000/- online. A sale deed was executed by the applicant in favour of the mother of the informant. But the applicant did not give possession of the house. Applicant on one or the other pretext avoided to give possession of the house. Thereafter, it revealed to the informant that the said house was mortgaged with the bank and the bank has affixed the sale notice on the said house for recovery of Rs. 23,00,000/-. Aggrieved thereby, the complainant lodged the FIR.

3. The learned counsel for the applicant submits that the applicant has earlier entered into an agreement to sale with the complainant with a condition that the remaining loan amount availed from the bank shall be paid by the purchasers i.e. complainant and his mother. The applicant and complainant have thereafter executed the sale deed of the property in the name of the mother of the complainant. The amount shown to have been paid by the complainant to the applicant is Rs. 2,78,000/- by Phonepe APP and remaining amount of Rs. 7,42,000/- by cash.

4. The learned counsel for the applicant submits that the applicant had made everything clear to the complainant before execution of the sale deed. However, unfortunately sale deed does not carry any such clause of the complainant requiring to pay the remaining amount due from the loan account and repay the loan amount and clear the mortgage of the said property from Autham Bank. The complainant is, thus, trying to take advantage of the same with the intention to extract money from the applicant. The applicant is a government servant working with the Live Stock Department of the State of Maharashtra and would lose his job, if required to be arrested. The applicant is a responsible Officer of the State of Maharashtra and is not a flight risk and therefore, may be available for investigation. He is also ready to abide by any condition that may be imposed. The applicant may, therefore, be released on anticipatory bail.

5. As against this, Mr. Ingole, the learned APP strongly opposes the application on the ground that the applicant has cheated the complainant. There is no agreement on record which allegedly containing any recital of the complainant agreeing to repay the loan amount back to the Authum Bank, where the property is alleged to have

been mortgaged. The sale deed dated 10.10.2022 executed between the applicant and mother of the complainant does not contain any recital which would show that the complainant and his mother has undertaken to repay the loan to the Authum Bank, as the property was mortgaged with the said bank. The Bank statement clearly shows that the complainant has paid the amount of Rs. 2,78,000/- by Phone-pe App and Rs. 7,42,000/- in cash. The applicant has deliberately suppressed the information about the said property being already mortgaged with the Authum Bank. The complainant thereafter was in a shock to see that the property was attached by the Authum Bank for the mortgaged loan availed by the applicant upon the said property. The said information was suppressed by the applicant while execution of the sale deed and as such, the complainant was cheated. The sale deed does not show any such recital and as such, a clear case of cheating is made out against the applicant. Hence, the custodial interrogation of the applicant is very much necessary. As such, the application may be rejected.

6. I have gone through the investigation papers. The applicant though has sold the property the complainant and his mother vide sale deed in the name of mother of the complainant, however, no such recital of the complainant and his mother agreeing to repay the loan amount is there in the sale deed. The fact remains that the said property is already mortgaged with the Authum Bank. The attachment notice was pasted on the property by the bank and, thereafter the complainant came to know about the same. However, it was incumbent upon the complainant to purchase the property by making proper search report. In absence of any evidence to the effect that there was any effort on the part of the complainant to get such information prior to execution of sale deed. The submission of the learned counsel for the applicant that the intimation was given to the complainant about such mortgage with the bank appears to be probable at this stage. However, the observations made

hereinabove are prima facie in nature and are made only for the purpose of deciding the present application and the same may not influence the trial court.

7. In view of foregoing discussion, I am inclined to protect the applicant in exercise of powers under Section 482 of the BNSS. Hence, the following order.

O R D E R

[I] In the event of arrest of the applicant, in connection with Crime No. 985 of 2025, registered with Tophkhana Police Station, Dist. Ahilyanagar, for the offence punishable under Section 420 of the IPC the applicant Santosh Kacharu Salunke be released on bail on furnishing PR Bond in the sum of Rs. 50,000/-, with one or more sureties in the like amount, on the following conditions :-

[i] The applicant shall attend the concerned police station and report to the Investigating Officer on 23rd 24th, 30th and 31st January, 2026 between 11.00 a.m. to 1.00 p.m. and thereafter, as and when called by the Investigating Officer and shall cooperate with the investigation.

[ii] The applicant shall not tamper with the prosecution evidence.

[iii] The applicant shall submit his Aadhar and Pan card to the Investigating Officer alongwith mobile numbers and addresses of two of his near relatives and his current address.

[iv] The application stands disposed of.

[MEHROZ K. PATHAN]
JUDGE.

grt/-