IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.3389 OF 2025

Gajanan Chandrakant Madbhave …Applicant

Versus

State of Maharashtra …Respondent

Mr. Ratan L. Adhe, Advocate for Applicant.
Ms. S.M. Yadav, APP for the State.
Ms. Shubha Shirsat for Respondent No.2.

CORAM: MADHAV J. JAMDAR, J.
DATED : 23rd January 2026

P.C.:

1. Heard Mr. Adhe, learned Counsel for the Applicant, Ms. Yadav, learned APP for the State and Ms. Shirsat for the Respondent N.2.

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.366 of 2025 registered with Kondhwa Police Station, Pune City, for the offences punishable under Sections 420 of the Indian Penal Code, 1860 (“IPC”).

3. As per the prosecution case, the Applicant sold the subject flat to the First Informant for consideration of Rs.38,81,000/-, however, when the said flat was sold, the subject flat was mortgaged with the Bank as there was total outstanding loan of about Rs.34,17,000/- on the said flat.

4. It is the submission of the learned Counsel for the Applicant that the Applicant was knowing about the said loan and to substantiate said contention, he relied on Visar Pavati dated 1st February 2023 and more particularly Clause No.4 of the same. He further submits that the Applicant will clear the said loan by sale of some other property.

5. On the other hand, Ms. Shirsat, learned Counsel for Respondent No.2 points out Clause No. 12 of registered sale-deed dated 26th June 2023 wherein it is specifically stated that the subject flat is without any encumbrance.

6. Perusal of record shows that the Applicant has accepted consideration of Rs.38,81,000/-. Perusal of record further shows that the Applicant with complete knowledge that the flat is mortgaged and huge amount is outstanding has sold the flat to the

Respondent No.2 by representing that there are no encumbrances on the subject flat. The Applicant received an aggregate amount of Rs. 38,81,000/- towards sale consideration and in spite of the same failed to clear the said outstanding loan of Rs.33,17,000/-. The Applicant could have cleared the loan as the said consideration amount of Rs.38,81,000/- was admittedly received by the Applicant. Thus, *prima facie* the Applicant is involved in the crime of cheating.

7. This is a very serious case where *prima facie* the Applicant is involved in the crime.

8. Accordingly, in the facts and circumstances, no case is made out for grant of Anticipatory Bail.

9. The Anticipatory Bail Application is dismissed

(MADHAV J. JAMDAR, J.)