

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.3566 OF 2024

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VITTHAL
KUDHEKAR

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Date: 2026.02.10
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1. Shashikant Jagshi Vora ...Applicants
2. Girish Sharad Mokashi

Versus

The State of Maharashtra & Anr. ...Respondents

Mr. Satyadev Joshi a/w Palak Fulia & Anil Khopde, for the Applicants.

Mr. S. M. Mangaonkar, APP, for the Respondent-State.

Mr. Yash Oza, for Respondent No.2/Complainant.

Police Constable, N. S. Mali, EOW, Pune Rural, present.

CORAM: MADHAV J. JAMDAR, J.

DATED: 10 FEBRUARY 2026

PC:-

1. Heard Mr. Joshi, learned Counsel appearing for the Applicants, Mr. Mangaonkar, learned APP for the Respondent-State of Maharashtra and Mr. Oza, learned Counsel for Respondent No.2-First Informant.

2. By the present Anticipatory Bail Application filed under Section 482 of the *Bharatiya Nagarik Suraksha Sanhita, 2023*, the Applicants are seeking pre-arrest bail in connection with CR No.295 of 2024 registered with the Lonavala Rural Police Station,

Pune Rural, for the offences punishable under Sections 406, 465, 467, 468, 471 and 34 of the *Indian Penal Code, 1860*.

3. The prosecution case is set out in Paragraph No.4 of the Order dated 12th December 2024 passed by the learned Additional Sessions Judge, Vadgaon Maval, Pune in Criminal Bail Application No.482 of 2024, which reads as under :-

“4. First information is given by Khushal Pawanbhai Kawa. He had filed Cri.M.A. No.2241/2024. The learned Court directed concerned police station to investigate the matter as the offences are cognizable. There are 5 Trustees in the Trust. After death of one of the Trustee Jivanlal Tank on 20.11.2015, meeting of the Trust was held on 29.11.2015. In the said meeting informant Khushal Bhavanbhai Kawa was elected as Trustee. In the said meeting Sadhu Bhakti Priyadas, Shashikant Vora, Vitthaldas Patel were present to take decision. The change report was submitted by Shashikant Vora the applicant/accused by his letter dated 18.02.2016. The charge report is accepted by the Charity Commissioner. In year 2021, Hariprasaddasji, a Trustee died on. In year 2022 informant realized that due to technical reasons Sadhu Bhakti Priyadas, Vitthaldas Patel were removed from the names of Trustee. The litigation in that respect is pending before the Charity Commissioner. Similarly, in year 2022 Shashikant Vora applicant/accused gave application under Section 47 of the Public Trust Act before Charity Commissioner Mumbai stating therein that, 'he is alone a Trust in Jay Trustee. At least two and maximum five Trustees are necessary to run the business of trust. Therefore, he is appointing the new Trustees. Therefore informant Khushal Kawa raised objection to said change report stating that Sadhu Bhakti Priyadas

Vitthaldas Patel and Shashikant Vora are four Trustee'. In a decision Charity Commission made observations that presently Khushal Kawa, Shashikant Vora are members of the Trust. As per the constitution of the Trust at Page No. 7, Sub- para E, decision regarding Trust properties are to be taken by at least two members by majority. In violation of the said rule applicant accused Shashikant Vora without calling Authorized meeting of the Trustees, on the letter of the trust dated 07.11.2023 has show to have taken false resolutions. The letter was signed by applicant/accused. It was stated in the letter that all powers, right are given to applicant/accused Shashikant Vora in a meeting held amongst all Trustees of the Trust. It was shown that members of the Trust had taken unanimous decision to give land admeasuring about 56. 50 R out of total are 1 H 11 R out of Gat No. 146/1 situated in village Waksai, Taluka - Maval, Pune to Girish Sharad Mokashi for the period of 35 months on lease. The powers are given to applicant/accused. The land was non-agricultural. The Trust has constructed 12000 sq.ft. construction of the center. The remaining members of the Trustees repeatedly call applicant/accused Shashikant Vora for meeting. He did not remain present. No previous information was given to informant or any other Trustees. A lease deed was executed on 08.11.2023 in favour of Girish Mokashi. Thus, applicant/accused committed cheating.”

4. A learned Single Judge by Order dated 26th December 2024 has granted interim protection to the Applicants which continues till date. Thus, for last about 1 year and 2 months, interim relief is operating. There is nothing on record to indicate that the Applicants have misused the said protection.

5. Mr. Mangaonkar, learned APP, for the Respondent-State of Maharashtra and Mr. Oza, learned Counsel for Respondent No.2-First Informant, strongly oppose the Application on the ground that the Applicants are not cooperating with the investigation and handing over the necessary documents including the record of the Trust. However, Mr. Joshi, learned Counsel for the Applicants, submits that whatever record available with the Applicants, has already been handed over to the Investigating Officer.

6. Perusal of the record shows that a Change Report has been filed with the Assistant Charity Commissioner and the same is pending for adjudication. There are no other antecedents. Mr. Joshi, learned Counsel for the Applicants submits that the Applicants will cooperate with the investigation.

7. Accordingly, case is made out for grant of anticipatory bail by imposing certain conditions. In view thereof, the following Order is passed:

ORDER

(a) In the event of arrest of the Applicant No.1 - Shashikant Jagshi Vora and Applicant No.2 - Girish

Sharad Mokashi in connection with CR No.295 of 2024 registered with the Lonavala Rural Police Station, Pune Rural, they be released on bail on their furnishing PR Bond in the sum of Rs.50,000/- each with one or two solvent sureties each in the like amount.

- (b) The Applicants shall attend the concerned Police Station on 20th February 2026 and 21st February 2026 between 11:00 am to 02:00 pm and thereafter as and when called by the Investigating Officer till filing of the Charge-sheet 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 learned Trial Court/Sessions Court.

8. The Anticipatory Bail Application is disposed of accordingly.

[MADHAV J. JAMDAR, J.]