

Ajit Pathrikar

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 2107 OF 2025**

Veera Prasad Rao S/o Hiralal Rao ...Applicant
Versus
State Of MaharashtraRespondent

Mr. Niranjan Mundargi *a/w Mohd. Riyaz Khan i/b Jamshed Ansari, for the Applicant.*

Ms. Anuja S. Gotad, *APP for the State-Respondent.*

API – Sandip C. Patil, *Vikhroli Police Station, is present.*

CORAM DR. NEELA GOKHALE, J.
DATED: 16th FEBRUARY 2026

PC:-

1. The Applicant seeks his release on bail in connection with 541 of 2024 dated 5th October 2024 registered with Vikhroli Police Station, Brihanmumbai City for the offences punishable under Sections 406, 420, 465, 467, 468, 471 and 34 of the Bharatiya Nyaya Sanhita, 2023 ('BNS').

2. The facts of the case, in brief, are that the Applicant is a flat purchaser who had intervened in an agreement for sale of particular flats to the builder, who is the First Informant. He

had submitted the agreements to the bank for sanction of a loan. The loan was sanctioned on the basis of agreement for sale and the money was disbursed into the account of the present Applicant. It is alleged that after the loan amount was received in the Applicant's own bank account, he executed a deed of cancellation with the builder. Thus, having created a charge on the flats in terms of the loan obtained by the Complainant from the concerned bank, the First Informant/Complainant is now unable to sell those flats to other persons. Hence, the FIR was registered by the builder against the Applicant. The Applicant was arrested on 27th January 2023.

3. The Applicant made an application seeking bail before the Special Judge under the SC/ST (POA) Act, City Civil and Sessions Court, Mumbai. However, by order dated 23rd April 2025, the said application was rejected. Hence, the Applicant is before this Court for the relief as prayed.

4. Mr. Niranjan Mundargi, learned counsel for the Applicant, submits that the investigation is complete and the charge-sheet is filed. He also submits that the loan amount transferred into the account of the Applicant has already been returned to the builder through his son. He further submits that no forged document was prepared or executed by the Applicant and the allegations regarding forging of the documentary evidence is already collected and seized by the Investigating Agency. Thus, he submits that there is no purpose of continued incarceration of the Applicant and prays that the Applicant be enlarged in bail.

5. Ms. Anuja Gotad, learned APP, opposes the Bail Application and submits that the Applicant has committed forgery of documents and based on the agreement for sale, the loan was procured from the concerned bank. However, after the loan amount was disbursed and received by the Applicant in his own bank account, he proceeded to cancel the agreement of sale. She submits that the offence is serious. The

Applicant has committed the offence of cheating and forgery. In these circumstances, she prays that the Bail Application be rejected.

6. I have heard learned counsel appearing for the respective parties and perused the record with their assistance.

7. It appears that the only allegation against the Applicant is of obtaining a loan on a valid agreement for sale, but after the loan amount was received, he proceeded to cancel the agreement. Undoubtedly, the First Informant was also party to that cancellation deed. Now, the complaint is filed by the builder only because the charge created on the flats in favour of the bank continues to remain since the Applicant has not returned the amount received by him from the bank either to the builder or to the bank. Ms. Gotad interjects and states that, in fact, the Applicant had opened the bank account using the letterhead of the builder, thereby committing forgery as well.

8. Considering that the Applicant is in jail since January 2025 and even the charges are not framed as on date, continued incarceration of the Applicant will serve no purpose. In any case, the bank has a charge on the said flats as on date. Hence, no purpose will be served by continuing the incarceration of the Applicant.

9. In view of the aforesaid, I am inclined to enlarge the Applicant on bail and it is order as under:

ORDER

i) The Applicant be enlarged on bail, on executing PR Bond in the sum of Rs.1,00,000/- with one or two local sureties in the like amount;

ii) The Applicant shall attend the Police Station concerned, on first Monday of every month between 10:00 a.m. and 12:00 p.m., till the charges are framed. He shall also attend the Trial Court concerned on each and every date as directed,

till the conclusion of the trial, save and except if the Applicant is exempted from appearance by orders of the Trial Court.

iii) If the Applicant holds a passport, he shall deposit the same with the Police Station concerned;

iv) The Applicant shall not leave India, without permission of the trial Court;

v) The Applicant shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

vi) The Applicant shall inform his latest place of residence and mobile contact number immediately after being released and / or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

vii) The Applicant to co-operate with the conduct of the trial;

viii) Any infraction of the aforesaid conditions shall entail cancellation of bail.

10. Application is allowed in the above terms and is accordingly disposed of.

11. It is made clear that the observations made herein are *prima facie* and are confined to this Application and the Trial Judge to decide the case on its own merits, uninfluenced by the observations made herein.

(Dr. Neela Gokhale, J)