

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.580 OF 2025

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Kundan Krushna Borse ...Applicant
Versus
The State of Maharashtra & Anr. ...Respondents

WITH
ANTICIPATORY BAIL APPLICATION NO.443 OF 2025

Kunal Kailas Suryawanshi ...Applicants
Versus
The State of Maharashtra & Anr. ...Respondents

Mr. Narayan Bubna, for the Applicant in ABA/443/2025.
Mr. Ramesh Dube Patil a/w Ankit Patil & Devarat Hiray, for the
Applicant in ABA/580/2025.
Ms. S. M. Yadav, APP, for the Respondent-State.
Ms. Saroj Jadhav a/w Hemangi Kamdar & Vandana M. Mishra, for
Respondent No.2-Complainant.
P.S.I. Dattu R. Khule, EOW, Nashik Rural, present.

CORAM: MADHAV J. JAMDAR, J.
DATED: 23 JANUARY 2026

PC:-

1. Anticipatory Bail Application No.443 of 2025 has been filed
by Accused No.1 - Kunal Kailas Suryawanshi and Anticipatory Bail
Application No.580 of 2025 has been filed by Accused No.3-
Kundan Krushna Borse, seeking pre-arrest bail in connection with
CR No.27 of 2025 registered with the Malegaon Chawani Police

Station, Nashik Rural, for the offences punishable under Sections 420, 323, 504, 506 r/w 34 of the *Indian Penal Code, 1860*.

2. As per the prosecution case, the subject property has been sold by a registered sale-deed dated 19th July 2022 for a total consideration of Rs.2,41,00,000/-. However, only an amount of Rs.27,00,000/- has been paid by RTGS and it was represented that the balance amount would be paid after registration of the sale-deed and thereafter all Accused ran away.

3. It is the submission of Mr. Bubna, learned Counsel for the Applicant that the First Informant has purchased the suit property by a registered sale-deed dated 4th October 2021 for an amount of Rs.23,05,000/- and thereafter the same has been sold to the Accused No.1 for an amount of Rs.27,00,000/-. He submits that the said entire payment has been made. He submits that, in any case, the incident has taken place on 19th July 2022 and the FIR has been lodged on 18th January 2025. He submits that the Charge-sheet is filed against some Accused and, therefore, investigation is substantially completed. He submits that there are no other antecedents.

4. Mr. Dube Patil, learned Counsel for the Applicant in ABA/580/2025 filed by Accused No.3, submits that Accused No.3 is not at all connected with the offence. The only allegations against Accused No.3 is that he was present when the incident took place.

5. On the other hand, Ms. Yadav, learned APP and Ms. Jadhav, learned Counsel for the First Informant / Respondent No.2, strongly oppose the Anticipatory Bail Application.

6. Ms. Yadav, learned APP, submits that the offence is very serious and, therefore, custodial interrogation is necessary. She submits that investigation is transferred to the EOW. She submits that the Charge-sheet is almost ready and the same can be filed shortly. She submits that as far as the Accused No.3, there are two antecedents and the same modus operandi is involved in the said crimes.

7. Ms. Jadhav, learned Counsel for the Respondent No.2 i.e. First Informant, submits that the consideration fixed was Rs.2,41,00,000/- and only Rs.27,00,000/- has been paid and,

therefore, the offence is very serious. She submits that the First Informant is a lady and she has been cheated. She further submits that the First Informant is being threatened by the Applicants and, therefore, the Anticipatory Bail Application be dismissed.

8. Perusal of the record shows that the Applicant-Accused No.1 purchased the subject property on 19th July 2022 by a registered a sale-deed. The said registered sale-deed mentions consideration is at Rs.27,00,000/-. Undisputedly, the said amount of Rs.27,00,000/- has been paid to the First Informant. The FIR has been lodged on 18th January 2025 i.e. after a delay of about 2 years and 6 months.

9. Mr. Dube Patil, learned Counsel for the Applicant-Accused No.3, states that although the Applicant is having 2 antecedents, he has been released on anticipatory bail in those cases.

10. It is the submission of Ms. Yadav, learned APP and Ms. Jadhav, learned Counsel for the Respondent No.2 that those antecedents are also of similar nature. In any case, Ms. Yadav,

learned APP has stated that investigation is almost completed and that the Charge-sheet is ready.

11. Apart from that there is delay of about 2 and ½ years in filing the Anticipatory Bail Application.

12. Accordingly, the case is made out for grant of anticipatory bail.

13. For the above reasons, Anticipatory Bail Application No.580 of 2025 and Anticipatory Bail Application No.443 of 2025 are allowed by passing the following Order:

ORDER

(a) In the event of arrest of the Applicant - Kundan Krushna Borse (Anticipatory Bail Application No.580 of 2025) and Applicant - Kunal Kailas Suryawanshi (Anticipatory Bail Application No.443 of 2025), in connection with CR No.27 of 2025 registered with the Malegaon Chawani Police Station, Nashik 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 once in 15 days i.e. first and third Sunday of every month between 11:00 am to 02:00 pm, till framing of the charge 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 Court.

14. The Anticipatory Bail Applications are disposed of accordingly.

[MADHAV J. JAMDAR, J.]