

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1850 OF 2025

1. Dipak Murlidhar Pagare ...Applicants
2. Harshal Shantaram Jadhav

Versus

The State of Maharashtra & Anr. ...Respondents

Mr. Aniket Vagal a/w Savvy Kolhekar, for the Applicants.
Ms. S. M. Yadav, APP, for the Respondent-State.

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

PC:-

1. Heard Mr. Vagal, learned Counsel appearing for the Applicants and Ms. Yadav, learned APP for the Respondent-State of Maharashtra.

2. By the present Anticipatory Bail Application filed under Section 438 of the *Code of Criminal Procedure, 1973* / Section 482 of the *Bharatiya Nagarik Suraksha Sanhita, 2023*, the Applicants are seeking pre-arrest bail in connection with CR No.66 of 2025 registered with the Sarkarwada Police Station, Nashik City, for the offences punishable under Sections 338, 318(4), 336(2), 335, 339 and 3(5) of the *Bharatiya Nyaya Sanhita, 2023*.

3. The prosecution case is set out in Paragraph No.6 of the Order dated 12th June 2025 passed by the learned Additional Sessions Judge, Nashik in Criminal Bail Application No.917 of 2025, which reads as under :-

“6] The sum and substance is that the informant entered into transaction with accused no.1 for the sale of landed property. Accordingly, she went to the registrar office and executed a document. However, subsequently she was misinformed and induced to execute other document without her information and knowledge under false pretext. Also she has sought assistance of examiner of handwriting and fingerprints expert and accordingly it was revealed that the document does not bear her thumb impression and her signature. Thus, prima facie, fabrication of document is seen. The document favoured the accused no.1 and present accused allegedly facilitated execution of these documents. These disputed documents forms part of material investigation alongwith their alleged fabrication. The accused have sought the bail on the ground of parity. The Hon’ble High Court in the order dated 9.5.2025 has specifically mentioned that the observation made in the order are limited to the question of grant of anticipatory bail to the applicant in the present application and the trial court shall proceed further, without being influenced by the observations made in this order. Thus, it is clear that the accused No.1 has been released on anticipatory bail by the Hon’ble High Court in consideration of peculiar facts. The role played by present accused in alleged crime is distinct. Also earlier application for the pre-arrest bail has been rejected by this court. Apparently, there is no change in circumstance. Hence, considering these facts and gravity of the offence accused are not entitled to be released on anticipatory bail.”

4. It is the submission of Mr. Vagal, learned Counsel for the Applicants that the dispute, if any, is of civil nature. The Applicants have no antecedents. He submits that a learned Single Judge has already granted interim protection to the Applicants by Order dated 10th July 2025. He submits that the Applicants will cooperate with the investigation.

5. On the other hand, Ms. Yadav, learned APP, strongly opposes the Anticipatory Bail Application. She submits that the offence is very serious and, therefore, the Anticipatory Bail Application be dismissed.

6. Perusal of the record shows that a learned Single Judge by Order dated 10th July 2025 has already granted interim protection to the Applicants. There is nothing on record to show that the protection is misused by the Applicants. There are no other criminal antecedents against the Applicants except cases filed under Section 138 of the *Negotiable Instruments Act, 1881*.

7. There are a total of seven Accused. Two have been granted regular bail by the learned Sessions Court and one has been granted anticipatory bail by this Court.

8. Thus, in the facts and circumstances, case is made out for grant of anticipatory bail.

9. In view thereof, the following Order is passed:

ORDER

- (a) In the event of arrest of the Applicant No.1 - Dipak Murlidhar Pagare and Applicant No.2 - Harshal Shantaram Jadhav, in connection with CR No.66 of 2025 registered with the Sarkarwada Police Station, Nashik City, they be released on bail on their furnishing PR Bond in the sum of Rs.25,000/- each with one or two solvent sureties each in the like amount.
- (b) The Applicants shall attend the concerned Police Station 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 Court.

10. The Anticipatory Bail Application is disposed of accordingly.

[MADHAV J. JAMDAR, J.]