

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.2602 OF 2025

Sangameshwar Digambarrao Patwari ...Applicant
Versus
The State of Maharashtra ...Respondent

WITH
INTERIM APPLICATION NO.4374 OF 2025
IN
ANTICIPATORY BAIL APPLICATION NO.2602 OF 2025

Shilpa Milind Devle & Ors. ...Applicants
IN THE MATTER OF
Sangameshwar Digambarrao Patwari ...Applicant
Versus
The State of Maharashtra ...Respondent

Mr. Vishwanath Patil a/w Harshwardhan Karande, Kedar Nhavkar & Akshay Naidu, for the Applicant.
Ms. R. V. Newton, APP, for the Respondent-State.
Mr. Niranjana Bhavake a/w Drishti Madhani, Vaishnavi Chore & Anurag Ramekar i/b Bhavake & Associates, for the Intervenor.
A.P.I. Madhumati T. Shinde, Pimpri Police Station, Pimpri Chinchwad, Pune, present.

CORAM: MADHAV J. JAMDAR, J.
DATED: 06 JANUARY 2026

PC:-

1. Heard Mr. Patil, learned Counsel appearing for the Applicant, Ms. Newton, learned APP for the Respondent-State of Maharashtra and Mr. Bhavake, learned Counsel appearing for the First Informant.

2. By the present Anticipatory Bail Application filed under Section 438 of the *Code of Criminal Procedure, 1973*, the Applicant is seeking pre-arrest bail in connection with CR No.705 of 2024 registered with the Pimpri Police Station, Pimpri Chinchwad, Pune, for the offences punishable under Sections 406, 420, 506 and 34 of the *Indian Penal Code, 1860* (“**IPC**”) and Section 3 of the *Maharashtra Protection of Interest of Depositors (In Financial Establishments) Act, 1999*.

3. The prosecution case is set out in Paragraph No.2 of the Order dated 30th June 2025 passed by the learned Additional Sessions Judge, Pune in Criminal Bail Application No.2263 of 2025, which reads as under :-

“2] The prosecution case in brief is that the informant Shilpa Milind Devale filed complaint against the applicant and others alleging that in the year 2018, one Durgesh Utpat informed the informant that Abhishek Birjdar is dealing in Forex trading and gained good returns on investment. After that, Durgesh Utpat called the informant at Bhola Hotel, where Abhishek Bijrajdar and his wife were present. During that meeting they convinced the informant that if she will invest the amount, she will get 10 to 12% return on it. Further alleged that the informant decided to invest and invested amount of Rs.8,76,854/- in December 2018. Further the Abhishek Bijrajdar and Durgesh Utpat conducted event at Baner and gave information regarding investment. It

is also alleged that in spite of repeated requests, Abhishek Birjadar did not return the invested amount to the informant. Hence, on 22.09.2023 she contacted him and demanded the invested amount, however, Abhishek Birjadar refused to return the invested amount and gave threat to life. Further alleged that Abhishk Birajdar also obtained amount from various persons and did not return their amount and cheated them in all to the tune of Rs.1,39,87,805/-. As a result of that the informant filed complaint at Pimpri Police Station and offence came to be registered at Crime No. 705/2024.”

4. It is the submission of Mr. Patil, learned Counsel for the Applicant that a Complaint by making the same allegations has been filed with Wakad Police Station, Pimpri-Chinchwad, Pune, however, the Police Sub Inspector, Wakad Police Station, by a letter dated 6th November 2023 informed the Complainant that the Complainant to file civil proceedings, by observing that the dispute is of civil nature. Thereafter, the subject FIR has been filed with Pimpri Police Station, Pimpri-Chinchwad. He further submits that Accused No.2 has also filed a Complaint with Wakad Police Station, Pimpri-Chinchwad and a separate letter dated 17th December 2023 has been sent to Accused No.2 - Durgesh Dnyaneshwar Utpat, stating that the dispute is of civil nature.

5. Mr. Patil, learned Counsel, further submits that the Applicant has received the amount from unknown person on the instructions

of the Accused No.1 - Abhishek Somnath Birajdar. He further submits that on the instructions of Accused No.1-Abhishek Birajdar, the said amounts have been withdrawn from the account of the Applicant and cash was handed over to Accused No.1. He, therefore, submits that the Applicant is not involved in the crime. He submits that a Division Bench of this Court by Order dated 24th June 2025 passed in Criminal Writ Petition No.1161 of 2025 filed by Accused No.4 - Shubhangi Shruti Shivkumar Patil *alias* Shruti Abhishek Birajdar i.e. wife of Accused No.1 has directed stay of further investigation as far as Accused No.4 is concerned. He also points out the Order dated 15th January 2025 passed by a learned Single Judge in Anticipatory Bail Application No.3588 of 2024 filed by Accused No.3 - Akshata Somnath Birajdar i.e. Sister of Accused No.1. He therefore submits that the Anticipatory Bail Application be granted.

6. On the other hand, Ms. Newton, learned APP for the Respondent-State of Maharashtra and Mr. Bhavake, learned Counsel appearing for the Intervenor/Complainant, submit that the offence is very serious. The Applicant is involved in the crime as various amounts have been deposited by the First Informant in

the account of the Applicant and the same have been withdrawn by the Applicant and cash has been paid to the Accused No.1 - Abhishek Birajdar as per the contention of the Applicant. Both of them submit that the Order passed by learned Single Judge in Anticipatory Bail Application No.3588 of 2024 and Order dated 24th June 2025 passed in Writ Petition No.1161 of 2025 are not relevant as they are merely interim Orders. Both of them submit that in any case the said proceedings are filed by the Accused Nos.3 and 4 who have very limited role in the crime and they are ladies. Both of them submits that the main Accused i.e. Abhishek Birajdar (Accused No.1) is absconding. Both of them, therefore, submit that the offence is very serious and custodial interrogation is necessary.

7. As far as the Complaint which has been filed with Wakad Police Station and concerning which Wakad Police Station has given letter, stating that the dispute, if any, is of civil nature, it is the contention of Mr. Bhavake, learned Counsel for the First Informant that the amount involved in the said Complaint filed with Wakad Police Station is only Rs.8,76,000/-. He submits that as far as the subject FIR is concerned, the amount involved is

Rs.1,48,64,659/-. He submits that the factual aspects which are mentioned in the FIR and the Complaint are considerably different. He submits that in any case even as per the contention of the Applicant the amounts which are deposited in the account of the Applicant by the First Informant and others, have been withdrawn by the Applicant and cash has been given to Accused No.1 and therefore the Applicant is involved in the crime. He submits that the Applicant is uncle of the Accused No.1 and therefore it is very clear that the Applicant is very actively involved in the crime.

8. Ms. Newton, learned APP, submits that the offence is very serious and in the facts and circumstances, the custodial interrogation is necessary.

9. Perusal of the record shows that the present Applicant is the uncle of the main Accused No.1 - Abhishek Birajdar, Accused No.3 is the Sister of Accused No.1 and Accused No.4 is the wife of Accused No.1. Thus, it is clear that Accused No.1 and the family members are involved in the crime.

10. Admittedly, the Applicant is the uncle of Accused No.1. During investigation, it was found that an amount of Rs.16,00,000/- were deposited in the account of the Applicant by various persons and it is the contention of the Applicant that the said amounts have been withdrawn and the amounts are paid in cash to the main Accused i.e. Accused No.1. Thus, the Applicant is actively involved in very serious crime. He has withdrawn huge cash and has paid the same to the Accused No.1.

11. As far as the Order dated 24th June 2025 passed by the Division Bench of this Court in Criminal Writ Petition No.1161 of 2025 filed by Accused No.4 - Shubhangi Shruti Shivkumar Patil *alias* Shruti Abhishek Birajdar and the Order dated 15th January 2025 passed in Anticipatory Bail Application No.3588 of 2024 filed by Accused No.3 - Akshata Somnath Birajdar, it is the submission of Mr. Bhavake, learned Counsel for the First Informant, that Accused Nos.3 and 4 are women and they have no significant role to play in the crime.

12. Perusal of the record shows that the present Applicant is involved in the crime. The offence is very serious where the total

amount involve in the crime is Rs.1,48,64,659.16/-. The main Accused i.e. Accused No.1 is absconding.

13. The Supreme Court in the case of *Nikita Jagganath Shetty alias Nikita Vishwajeet Jadhav v. State of Maharashtra*¹, has held that the anticipatory bail is an exceptional remedy and ought not to be granted in a routine manner. There must exist strong reasons for extending indulgence of this extraordinary remedy to a person accused of grave offences. It has been further held that while called upon to exercise the said power, the Court concerned has to be very cautious as the grant of interim protection or protection to the accused in serious cases may lead to miscarriage of justice and may hamper the investigation to a great extent as it may sometimes lead to tampering or distraction of the evidence. The said observations of the Supreme Court are squarely applicable to the present case.

14. The Supreme Court in the case of *State Rep. by the C.B.I. v. Anil Sharma*², has held that the custodial interrogation is qualitatively more elicitation-oriented than questioning a suspect who is well ensconced

1 2025 SCC OnLine SC 1489

2 (1997) 7 SCC 187

with a favourable order under Section 438 of the Code of Criminal Procedure, 1973 i.e. Section 482 of BNSS. It has been held that for effective interrogation of a suspected person in a serious case, custodial interrogation is necessary.

15. The Supreme Court in the case of *Y v. State of Rajasthan*³ has held that

“9. ...The grant of bail requires the consideration of various factors which ultimately depends upon the specific facts and circumstances of the case before the Court. There is no straitjacket formula which can ever be prescribed as to what the relevant factors could be. However, certain important factors that are always considered, inter alia, relate to prima facie involvement of the accused, nature and gravity of the charge, severity of the punishment, and the character, position and standing of the accused.”

(Emphasis added)

16. Thus, this is a case where although learned Counsel for the Applicant has relied on the Order dated 24th June 2025 passed by the Division Bench of this Court and the Order dated 15th January 2025 passed by a learned Single Judge in concerning Accused Nos.3 and 4, however, it is required to be noted that Accused Nos.3 and 4 are women and they have not played any major role.

3 (2022) 9 SCC 269

17. As far as the present Applicant is concerned, admittedly the huge amounts have been deposited by various persons in his account and even as per the contention of the Applicant he has withdrawn the said amount and given cash to the main Accused No.1 who is absconding.

18. Thus, this is a case where the custodial interrogation is necessary.

19. Accordingly, the Anticipatory Bail Application is dismissed.

20. In view of disposal of the Anticipatory Bail Application, nothing survives in the Interim Application and the same is also disposed of.

[MADHAV J. JAMDAR, J.]