

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 397 OF 2026

Pratap A. Gaikwad ...Applicant
V/s.
The State of Maharashtra & Anr. ...Respondents.

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Ms Supriya Rathod for the Applicant.
Mr. Shahaji R. Shinde, B-Panel Counsel for the Respondent/State.
Mr.Yashodeep Deshmukh a/w. Ms Vaidehi Deshmukh for
Respondent No.2/MSFC.
PSI Atul Thorat, Samta Nagar Police Station is present.

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CORAM : N.R. BORKAR, J.
DATE : 06.03.2026.

P.C. :

1. This is an application for anticipatory bail.
2. The applicant is apprehending his arrest in Crime No.1081 of 2025 registered at Samta Nagar Police Station for the offences punishable under Sections 318(4) and 3(5) of the Bharatiya Nyaya Sanhita, 2023.
3. The applicant was working with the Maharashtra State Financial Corporation (MSFC) as the Chief Administrative Officer. It is alleged that in 2019 the present applicant and other co-accused without the consent of the MSFC got vacated the service quarters and handed over the possession to a developer. It is alleged that the present applicant and the co-accused though were not entitled, received Rs. 88 lakh from the developer towards transit rent and simultaneously claimed the House Rent Allowance (HRA)

from the MSFC. The allegations against the present applicant and other co-accused are thus of cheating.

4. I have heard the learned counsel appearing for the applicant, the learned APP for the respondent / State and the learned counsel for the first informant.

5. Learned counsel for the applicant submits that the dispute, if any, is purely of civil nature. It is submitted that the HRA was paid to the applicant in terms of the decision taken by the MSFC. It is submitted that there is no need of custodial interrogation and the applicant is ready and willing to cooperate in the investigation.

6. On the other hand, learned APP for the respondent/State and the learned counsel for the first informant submit that the fact of receipt of transit rent was not disclosed to MSFC. It is submitted that by suppressing the said fact, HRA was also claimed. It is submitted that considering the nature of crime, the applicant may not be released on anticipatory bail.

7. I have perused the FIR. Admittedly, the MSFC has not initiated any departmental enquiry against the present applicant in relation to the allegations made in the FIR. There appears to be dispute between the developer and MSFC in respect of which arbitration proceedings are pending. In that view of the matter, I am inclined to release the applicant on anticipatory bail. In the result, the following order is passed.

ORDER

- A) The Application is allowed.
- B) In the event of arrest of the applicant in C.R. No.1081 of 2025 registered at Samta Nagar Police Station for the offences punishable under Sections 318(4) and 3(5) of the Bharatiya Nyaya Sanhita, 2023, he be released on bail on executing P.R. Bond in the sum of Rs.25,000/- with one surety or two sureties in the like amount.
- C) The applicant shall attend the concerned police station as and when called by the Investigating Officer and shall cooperate in the investigation.

[N.R.BORKAR, J.]