

Order below Exh.1
(Passed on 02/07/2026)

Nature of application	<u>Anticipatory Bail u/s.482 of BNSS.</u>
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Crime details

Crime No.155/2026	<u>Dated : 24/05/2026</u>
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Police Station	<u>Kothrud.</u>
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Offences	<u>316(2), 316(5), 318(4), 351(2), 3(5) of the BNS and Section 3 and 4 of the Maharashtra Protection of Interest of Depositors (in Financial Establishments) Act.</u>
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Applicants	Rupesh Haribhau Kumbare and Kanchan Rupesh Kumbare.
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FIRST BAIL APPLICATION

Order below Exh.1
(Passed on 02/07/2026)

1. Perused the application for anticipatory bail, the reply of prosecution and the informant/complainant strongly opposing the same. Heard the learned advocate for the applicant/accused and APP for the State, and the advocate for original complainant.

2. It is submitted by learned advocate for the applicant/accused that there was a joint venture agreement dated 19/04/2011 between the complainant and accused to develop a property of which the informant/complainant was the owner. They were to receive 50% share of the developed/constructed area each under the agreement. There was no dispute about any

of the flats, except flat Nos. 301, 902 and 1102 of the 'B' wing tower sold by applicant/accused. As per the complainant, the accused owed to pay Rs.2.64 crore, being 50% of the said consideration. It was however not the case. Learned advocate for applicant submitted that flat No. 902 and 1102 exclusively belonged to applicant/accused, as acknowledged by the informant/complainant with the signature on the deeds of transfer. The dispute was relating to sole remaining flat i.e. flat No. 301. The same was sold to a third party for consideration of Rs.1.74 crores.

3. According to the applicant/accused, he had, some time in the past, extended financial help of Rs.1.90 crores to the complainant. Hence, the consideration due was adjustable against the amount payable to the complainant. The dispute was in the nature of civil dispute. The informant/complainant implicated him in false criminal case, by using his political clouts. During the course of hearing, the applicant/accused vouched to deposit Rs.87 lakhs in the Court, if he was afforded protection against arrest. In pursuance thereto the applicant also deposited Rs.87 lakhs in the Court on 23/06/2026, following which interim protection was granted. The applicant thus sought confirmation of interim protection against arrest, earlier granted by this Court.

4. The learned APP representing the IO, and the learned advocate representing the complainant, strongly objected to grant of any protection against arrest. It was submitted on behalf of prosecution that repeated notices were issued to the applicant/accused to attend and co-operate in the investigation, by O. W. No. 1883/2026, 2186/2026, 3544/2026. However,

applicant/accused person did not appear on 03/03/2026, 08/03/2026, 17/03/2026, 20/03/2026 or on any other occasion as intimated in the notices for attending investigation. The prosecution submitted that the accused persons have political background and they are trying to overawe the complainant, and have been avoiding to attend police. They were elusive, when the police visited.

5. It was further pointed out by the IO, and also by the learned advocate for the informant/complainant, that the accused persons have filed a false affidavit of criminal antecedents, to mislead the Court, and pretend themselves to be very innocent. The prosecution and the complainant submitted that offence Crime No. 73/2023 for offence under Section 304-A read with 34 of IPC was registered against accused No. 1 Rupesh Kumbre and others at Police Station Kothrud. The said fact has been consciously concealed in the affidavits filed in the Court.

6. On the aforesaid grounds, the learned APP and the advocate for the complainant urged to reject the anticipatory bail application.

7. At the outset, the conduct of the applicant/accused persons needs to be deprecated.

8. The Hon'ble Supreme Court in the case of ***Kusha Daruka Vs. State of Odisha (2024)*** followed by authoritative directions in the case of ***Zeba Khan V/s State of UP 2026 SCC online page 188*** have strictly directed the sub-ordinate Courts to insist on furnishing the details of criminal antecedents and

previous bail attempts by the applicant/accused persons on affidavit. These directions are not empty formalities, but are mandate of Hon'ble Supreme Court under Article 141 of the Constitution. Circular No. Inspection-1/42/2026 dated 06/03/2026 has been issued by Hon'ble Bombay High Court to mandatorily follow the same.

9. In the present case, it would be seen that though there is existence of criminal antecedents against accused No. 1, the said fact has been willfully concealed and false affidavit has been filed before this Court to seek protection of anticipatory bail. Not only this, in application Exh. 13, for depositing the amount, the applicants have sought to make a mis-statement of fact and attempted to put certain words into the mouth of the Court, which were never stated in the interim protection order dated 15/06/2026. While fervently insisting for interim protection, the applicant/accused persons, on their own volition, vouched to deposit Rs.87 lakhs, which were the dues as per their own calculations, in order to seek interim protection. All that this Court did, was to allow them to deposit the money. There was no categorical pre-condition or direction by the Court to deposit such amount. Thus, the fact mentioned in para No. 2 of application Exh. 13 about this Court's direction to deposit, is misleading and intriguing. It is to mention here that at the said stage, the advocate for the complainant had disputed the fact of Rs.87 lakhs being the outstanding amount and submitted that actually Rs.2.64 crores were due and payable. However, there was no objection by him to deposit the part amount of Rs.87 lakhs, as vouched by applicant/accused.

10. As would be seen, there is existence of criminal antecedents against accused No. 1, which has been materially concealed in the affidavit sworn in support of the pre-arrest bail application. Furnishing of criminal antecedents and previous bail attempts are not empty formalities. They cannot be easily ignored, when the applicant tries to outsmart the Court and take the Court for a ride to secure protection against arrest. Protection of anticipatory is purely discretionary. It is therefore, expected of any applicant to come to the court with clean hands.

11. The Hon'ble Supreme Court has heavily come down on unscrupulous applicants who file false affidavits to secure protection of anticipatory bail. In the case of ***Munnesh Vs. State of UP reported in MANU SCOR/3386/2025***, the Supreme Court has shown the doors to the unscrupulous applicants who had sworn false affidavits to seek bail, and rejected the bail application at the thresh-hold. Similarly, ***Hon'ble Bombay High Court in ABA Application No. 2564/2025, Taran Singh Arora S/o. Singh Arora V/s. The State of Maharashtra by order dated 18/09/2025***, adopted the same course, upon observing concealment of material fact of existence of criminal antecedents.

12. The above being the course adopted by Superior Courts in the matter of concealment of material facts in the mandatory affidavit, this Court is also required to follow the same. The misdemeanor of the applicants cannot be ignored to grant the discretionary protection against the arrest. Further submission of prosecution that the accused persons have avoided to attend for investigation, despite repeated service of notices, is also an adverse factor against them. The above conduct of

applicants reflects that they have no regard for process of law, when it comes to attending the IO for investigation, or while approaching the Court for protection against arrest.

13. In view of above, therefore, I am constrained to reject the present application for anticipatory bail. Consequently, I pass following order :-

ORDER

1. Application for anticipatory bail is rejected.
2. The interim protection granted vide order dated 15/06/2026 is vacated.
3. The amount of Rs. 87 lakhs deposited by the applicant, may be transferred to the Court trying the case, when charge-sheet is filed. In case the IO files summary instead of charge-sheet, the amount may be returned to the applicant who deposited it. Till such time, the said amount of Rs. 87 lakhs be invested in fixed deposits in any nationalized bank.
4. The application is dismissed with the aforesaid directions.

Date : 02/07/2026

(S. S. Kanthale)
Addl. Sessions Judge, Pune.