

Criminal Bail Application No. 73/2026
Shantanu Sharad Joshi & anr. Vs. State
CNR NO. MHPU33000199-2026

Order below Exh.1

By this application, anticipatory bail is sought against NBW issued by the Ld. Magistrate in private complaint.

2] The facts of the case in brief are as under:

All the accused except accused no. 4 are distant relatives of the complainant. The accused under the garb of taking Smt. Vasanti Kulkarni for pilgrimage, they obtained her signatures on various documents for transferring several properties in their name. The accused have taken Smt. Vasanti Kulkarni from the lawful guardianship of her children. It is further alleged that the accused have used her signatures to claim certain properties in their name. Hence, complaint came to be filed before the Ld. Magistrate on 29/01/2018. The Ld. Magistrate on 01/12/2025 was pleased to issue process against the accused under section 363 and 366 read with section 34 of the IPC.

3] Heard Ld. Adv. Shri. S. D. Kokane. Despite sufficient opportunity, no reply came to be filed by the Ld. A.P.P., police station or the complainant.

4] It is the matter of record that the NBW came to be issued in a private complaint. Offence under section 366 is triable by this Court. The Hon'ble Supreme Court in the case of Ram Pukar Yadav Vs. State of Bihar has held that

"This Court has already held in SLP (Crl.) No.16221/2015 that in a complaint case the police has hardly any role to play. Relevant portion of the order passed in SLP(Crl.) No.16221/2025 reads thus:

“7. We have noticed that there is a serious problem in two States, viz. the State of Bihar and State of Jharkhand, respectively. We fail to understand that in a private complaint how does the Police involve itself or is concerned, in any manner. What was the basis for the accused to express apprehension that the police would arrest them.

Section 87 empowers the Court to issue warrant in lieu of, or in addition to, summons. However, this power has to be exercised only in two contingencies as explained by the provision itself, i.e, (a) and (b), referred to above, respectively.

10. Once the Court takes cognizance and issues summons, all that the accused has to do is to appear before that Court and join the proceedings. Why should the accused go before the Sessions Court or the High Court, as the case may be, and pray for anticipatory bail? Police has no power to arrest the accused in a complaint case unless there is a non bailable warrant issued by that Court along with the summons.”

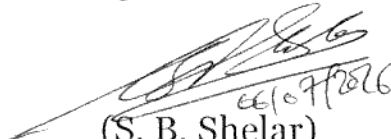
5] In view of the settled position above, the custody of the applicants in the present case is totally unwarranted. This is not a case where the custodial interrogation of the accused is necessary for eliciting any aspects of investigation. In view of the above circumstances, I deem it fit to allow the application with the following order-

ORDER

- 1] The interim order dated 13/05/2026 is hereby confirmed.
- 2] Inform concerned police station accordingly.
- 3] Bail before Trial Court.

(Dictated and pronounced in open Court.)

Junnar, Pune
Dt. : 06/07/2026


(S. B. Shelar)
Additional Sessions Judge, Junnar
Tal. Junnar, Dist. Pune.