

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 470 OF 2026

Narendra Agarwal ...Applicant

Versus

The State of Maharashtra And Anr. ...Respondents

WITH

ANTICIPATORY BAIL APPLICATION NO. 473 OF 2026

Anil Vasvani and Anr. ...Applicants

Versus

The State of Maharashtra And Anr. ...Respondents

Adv. Raju Suryawanshi a/w Suraj Naik, for the Applicant
in both ABA.

Mr. Bapu Holambe-Patil, A.P P, for the Respondent – State
in both ABA..

Adv. Shekhar Jagtap a/w Adv. Sairuchita Chowdhary,
for the Respondent No.2/Complainant in both ABA..

PSI Jilani Sayyad, Mira Road Police Station, Mumbai, is present
in both ABA..

CORAM : PRAFULLA S. KHUBALKAR, J.

DATE : 31ST AUGUST 2026

PC:-

1. Heard learned counsel for the applicants as well as
learned APP for respondent – State and learned counsel for
respondent no.2 / Complainant.

2. The applicants have filed the instant applications under
Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023

(for short, “**BNSS**”) seeking pre-arrest bail in connection with Crime No. 460 of 2025, dated 02.11.2025, registered with Mira Road Police Station, Mira-Bhayender-Vasai-Virar, for the offence punishable under Sections 406, 420, 465, 467, 468, 471 read with Section 34 of the Indian Penal Code, 1860.

3. The First Information Report (for short, “**FIR**”) came to be registered on the basis of a report lodged by the complainant alleging that in view of a registered Development Agreement dated 21.02.2014 in between M/s. Enrich Infra Developers Pvt. Ltd. and the complainant’s firm by name, M/s. S.A.S. Infra, the complainant has paid several amounts from time to time with respect to the properties mentioned therein, total amounting to Rs. 2,06,00,000/-. He has alleged in the complaint that although the amount was paid from time to time, it was noticed that the location of the plot was different as mentioned in the four boundaries as stated in the agreement. It is also alleged that thereafter two separate flats came be allotted by the accused in ‘AIMS SEA VIEW’ building however, there was a dispute about possession of the said flats. It is alleged that in view of the dispute, certain postdated cheques issued by the accused no.1

also got dishonored and in this background the report came to be lodged. On the basis of these allegations, the FIR came to be registered against four persons including these applicants. The applicant in ABA No. 470 of 2026 – Narendra Agarwal is arraigned as accused No.1 and applicants in ABA No. 473 of 2026 namely, Anil Vasvani and Vinay Shah are arraigned as accused nos. 3 and 4.

4. Learned counsel for applicants submitted that the offence is with respect to the commercial transactions in between the complainant's firm and firm of the accused no.1 related to the period from 10th August 2013 to 20th May 2020. He submitted that the FIR is registered regarding the incidences which had occurred prior to 12 years and there is no justification for the delay in lodging the FIR. He submits that there are multiple transactions in between the complainant and the main accused persons as well as the partners of their firm which clearly shows that the dispute is civil in nature. He submits that the allegations in the report are with respect to conduct of the parties based on registered Development Agreement and as such investigation in the offence can be conducted on the basis of documentary

evidence which are already available with the investigating agency. Therefore, he submits that the custody of these applicants is not warranted.

5. Apart from the above, the learned counsel for applicants submit that considering the nature of offence, the investigating agency has earlier issued a notice dated 01.11.2025 [At page No. 193 of the application] to accused no.1 Narendra Agarwal, by which he was called upon to remain present on 02.11.2025 and despite this the FIR came to be registered on 02.11.2025 itself. He therefore, submits that the applicants are ready to join the investigation and extend cooperation.

6. He also submits that the applicants have already joined the investigation, in accordance with the interim protection order dated 21st July 2026 passed by this Court the applicants have attended the police station on every Monday and Friday, as directed by this Court. In view of this, he prays for confirmation of the interim protection of all the applicants.

7. As against this, learned APP for respondent – State as well as learned counsel for respondent no.2 have opposed the

application and submitted that the applicants have committed the offences of cheating and other offences as demonstrated in the FIR. It is submitted that the cheques issued by the accused no.1 have been dishonored and therefore, the applicants need to be prosecuted. However, learned APP for respondent – State does not dispute the contentions that the applicants have attended the police station in accordance with the interim protection order.

8. Perused the FIR and the documents placed on record, including the document of registered Development Agreement and the letter dated 01.11.2025 issued by the Assistant Superintendent of Police, Mira Road Police Station. On perusal of the allegations in the report and the documents on record, it appears that the controversy is with respect to the commercial transactions in between two partnership firms. It has to be noted that the dispute revolves around the Development Agreement of the year 2014 and after substantial delay, the FIR came to be registered. Considering the actual controversy as stated in the report, it becomes clear that there is a commercial dispute in between the parties which is primarily civil in nature.

It also appears that the accused nos. 3 and 4 have been arraigned as accused, only because of allegations of their acting in collusion with the other accused persons.

9. It has to be noted that considering the nature of offence, the investigation in the matter is primarily with respect to the documents, which are already available with the investigating agency and custodial interrogation of these applicants need not be insisted upon for the purpose of recovery of documents.

10. It is also crucial to note that by an interim protection granted by this Court by order dated 21st July 2026, the applicants were granting protection in view of their readiness to join the investigation. Since, the applicants have joined the investigation and attended the police station on the specified dates, as directed by this Court, and since there is nothing to indicate that they have misused their liberty, the interim protection granted earlier needs to be confirmed, subject to certain conditions considering Section 482 of BNSS, which are stated below.

11. Hence, I pass following order :-

ORDER

- (i) The Anticipatory Bail Applications are allowed.
- (ii) In the event of arrest of the applicants in connection with Crime No. 460 of 2025, registered with Mira Road Police Station, Mira-Bhayender-Vasai-Virar, for the offence punishable under Sections 406, 420, 465, 467, 468, 471 read with 34 of the Indian Penal Code, 1860, they be released on bail on furnishing P. R. Bond of Rs. 25,000/- (Rupees Twenty-Five Thousand only) each, with one solvent surety of the like amount.
- (iii) The applicants are directed to attend the investigating agency as and when called upon.
- (iv) The applicants shall not directly or indirectly make any inducement or promise to any person acquainted with the facts so as to dissuade from disclosing such facts to the Courts or to any police officer.
- (v) Breach of any of these conditions, shall be a ground for cancellation of bail.

12. Anticipatory Bail Applications are disposed of in above terms.

(PRAFULLA S. KHUBALKAR, J.)

VDMokal/-