

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO.1395 OF 2024

Haresh Ratilal Tilak	... Applicant
V/s.	
The State of Maharashtra & Anr.	... Respondents

**WITH
ANTICIPATORY BAIL APPLICATION NO.1443 OF 2024**

Vikram Pannalal Jain	... Applicant
V/s.	
The State of Maharashtra & Anr.	... Respondents

Mr. Shyam Kalyankar for the Applicant in ABA No.1395 of 2024.
 Mr. Manish N. Gala, Ankit L. Shah i/by Ankit L. Shah for the Applicant in ABA No.1443 of 2024.
 Mr. V. N. Sagare, APP for Respondent No.1-State.
 Mr. Mahesh Rajpopat a/w Akshit Kothari for Respondent No.2 in both ABAs.
 PI Amol Kale, L. T. Marg PS is present.

CORAM : N.R. BORKAR, J.
DATE : 12TH DECEMBER 2025

P.C. :

1. Both these Applications for anticipatory bail are arising out of one and the same crime and thus they are being disposed of by this common order.
2. The Applicants are apprehending their arrest in Crime No.320 of 2024 registered with L. T. Marg Police Station for the offences punishable under Sections 406, 420 read with 34 of the Indian Penal Code, 1860.

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3. It is the case of the prosecution that the first informant is involved in the business of fabrics. As such on 14th April 2023, the Applicant in Anticipatory Bail Application No.1443 of 2024 approached the first informant, posing to be the agent of Shrikrishna Fabrics. The Applicant in Anticipatory Bail Application No.1395 of 2024 was working as Manager of Shrikrishna Fabrics. The Applicants and other co-accused placed orders of goods amounting to Rs.4,67,951/- from the first informant's company, however, failed to pay the said amount. The allegations against the present Applicants and other co-accused are thus of defrauding the first informant to the tune of Rs.4,67,951/-.

4. I have heard Learned Counsel for the Applicants, Learned APP for Respondent No.1-State and Learned Counsel for Respondent No.2-first informant.

5. Learned Counsel for the Applicants submit that the dispute, if any, between the parties is of purely civil in nature. It is submitted that Sections 406 and 420 of the Indian Penal Code cannot be invoked together. It is submitted that there is no need of custodial interrogation.

6. On the other hand, Learned APP for Respondent No.1-State and Learned Counsel for Respondent No.2-first informant submit that from inception the intention of the Applicants was to cheat the first informant. It is submitted that the Applicants are involved in three more crimes of similar nature. It is thus submitted that the Applicants may not be released on anticipatory bail.

7. The fact that the Applicants are involved in three more crimes of a similar nature is not disputed. Learned Counsel for the Applicants submit that out of three crimes only one crime is pending. It is submitted that in other two crimes, either the Applicants are acquitted or the FIR is quashed. The involvement of the Applicants in similar crimes shows their intent to defraud creditors after availing the goods on credit. Considering the overall facts and circumstances, I am not inclined to release the Applicants on anticipatory bail. Hence, the Anticipatory Bail Applications are rejected.

8. Learned Counsel for the Applicants submit that to enable the Applicants to approach the Hon'ble Supreme Court against the present order, the interim order passed by this Court be continued for a period of two weeks.

9. As the Applicants want to approach the Hon'ble Supreme Court, the interim order passed by this Court shall remain in force for a period of two weeks.

(N.R. BORKAR, J.)