

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 2549 OF 2024

Deepak T. Shah ...Applicant
V/s.
The State of Maharashtra & Anr. ...Respondents.

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Mr. Manish Gala a/w. Mr. Ankit Shah i/b Law Square for the Applicant.
Mr. V.N. Sagare, APP for the Respondent/State.
Ms Sunaina Chakravarty for Respondent No.2/Intervenor.
PSI Anil L. Ghaywat, Bhandup Police Station present.
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CORAM : N.R. BORKAR, J.
DATE : 06.10.2025.

P.C. :

1. This is an application for anticipatory bail.
2. The applicant is apprehending his arrest in Crime No.316 of 2024 registered at Bhandup Police Station, Mumbai for the offences punishable under Sections 406 and 420 read with 34 of the Indian Penal Code (IPC).
3. I have heard the learned counsel appearing for the applicant, the learned APP for the respondent / State and learned counsel for respondent No.2/Intervenor.
4. Learned counsel for the applicant has drawn my attention to the order passed by this Court dated 15th July 2024 in Anticipatory Bail Application No. 1955 of 2024. By the said order, this Court has

granted anticipatory bail to the co-accused Khushboo Panchal in the present crime. The learned counsel for the applicant submits this court has observed that the dispute appears to be of civil nature.

5. Learned APP for the respondent/State and learned counsel for the respondent No.2 submit that the applicant is main accused and is involved in three more crimes of similar nature.

6. I have perused the order passed by this court dated 15th July 2024 in Anticipatory Bail Application No. 1955 of 2024. This Court in paragraph No. 5 observed thus:

"5. After reviewing the records, based on the allegations in the FIR, it appears that VSM negotiated its dealings with Viyanka's director, co-accused Gaurav Rathi. When the fabrics were delivered to Viyanka, and its consideration remained unpaid, the complainant contacted co-accused Gaurav, who delivered cheques to the complainant. These cheques were presented for encashment but were dishonoured. Prima facie, except for the accusation that the applicant was present when Viyanka placed the purchase order with VSM, no material is placed on record to link the applicant to the present crime. Notably, the allegations lack details regarding the date of placing the orders against which the consideration remained unpaid, the delivery of the goods, the handing over of security cheques, its dishonour, and the complainant's communication with the applicant and co-accused, and his visit to Viyanka's office. The dispute appears to be of a civil nature. Considering these circumstances, this Court is inclined to exercise its discretion in favour of the applicant. As a result, the application is allowed in the following terms:

(i) In the event of arrest, the applicant shall be released on bail in CR No.316 of 2024, registered at Bhandup Police Station, Mumbai, on executing a PR Bond

of Rs.25,000/- and furnishing one or more sureties in the like amount.

(ii) The applicant shall cooperate with the investigation and report to the concerned Police Station as and when directed.

(iii) The applicant, herself or through any other person, shall not tamper with the evidence or influence any witnesses."

(emphasis supplied)

7. In view of the observation of this Court in the aforesaid order that "*the dispute appears to be of a civil nature*", 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 Crime No. 316 of 2024 registered at Bhandup Police Station, Mumbai for the offences punishable under Sections 406 and 420 read with 34 of the Indian Penal Code, 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.]