

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 2251 OF 2024
IN
ANTICIPATORY BAIL APPLICATION NO. 528 OF 2023

Dhiren Labhshankar Vyas ...Applicant
Versus
1. The State of Maharashtra
2. Vishakha Bhavesh Singh ...Respondents

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WITH
INTERIM APPLICATION NO. 2252 OF 2024
IN
ANTICIPATORY BAIL APPLICATION NO. 529 OF 2023

Dhiren Labhshankar Vyas ...Applicant
Versus
1. The State of Maharashtra
2. Namita Rajendra Singh
3. Yogesh Rajendra Singh
4. Khushboo Rajendra Singh ...Respondents

Mr. Sajid Shamim a/w Sharif Lakdawala i/b S. Shamim & Co. for the Applicant.
Ms. Rashmi Tendulkar , APP for Respondent/State.
Ms. Surbhi Agrawal i/b Mr. Abhishek Yende for Respondent No.2 in IA/2251/2024.
PSI Shilpa Duthade and PSI Bajrang Desai, Samata Police Station present.

CORAM : M.M. SATHAYE, J.
DATE : 25th JULY, 2025

P.C. :

1. Heard learned Counsel for the Applicant in both interim applications. The applications are filed for cancellation of anticipatory

bail granted on 18.08.2023 to Respondent No.2 in Criminal Interim Application No. 2251/2024 and Respondent Nos. 2,3 and 4 in Criminal Interim Application No. 2252/2024. Also heard learned Counsel for the Respondent No.2 - Vishakha Bhavesh Singh in IA/2251/2024. It is clarified that none appeared for other co-accused who are Respondent Nos. 2 to 4 in IA/2252/2024.

IN IA/2251/2024

2. Learned Counsel for the Respondent No.2 (Vishakha) has filed an affidavit-in-reply dated 23.07.2025 raising issues about written contract not specifying any interest clause and insisting that the amount was restricted to principal amount of Rs.53,50,000/-. She submits on instructions Respondent No. 2 (Vishakha) is in a position to pay remaining Rs.8 lakhs only, to the complainant within a period of 2 weeks from today and seeks indulgence and extension of time for the same. It is categorically stated at least Respondent No.2 (Vishakha -one of the co-accused) is not in a position to pay interest as claimed by the Applicant. It is urged that substantial part of amount agreed before the Court has been paid.

3. I have perused the record. First order granted anticipatory bail to all the accused on the basis of an additional affidavit showing willingness to refund Rs.53,50,000/- and since at that time, it was given to understand that the parties are trying to explore the possibility of settlement, anticipatory bail was granted.

4. I have also perused the additional affidavit dated 17.06.2023 on the basis of which the anticipatory bail was granted. Clause 2 thereof clarifies that out of Rs.53,50,000/-, an amount of Rs.6,50,000/-

was already paid back by present Respondent No.2 (Vishakha) to the complainant and therefore, the promised amount, as on that date, remained only Rs.47,00,000/-. It appears that during pendency of the present applications, under 2 orders dated 26.11.2024 and 16.06.2025 on instructions of all the accused, a statement was made that all the Respondents / accused will deposit the remaining amount with interest.

5. In the scope of present application for cancellation of bail, where liberty of the Respondent / accused is at stake, what the Court is required to look into, is bona-fides to make good/repay the amounts involved and it is the intention that is necessary to be gathered. Perusal of record in the present case makes it clear that out of Rs.47 lakh, only an amount of Rs.8 lakh is now remaining to be paid, which Respondent No.2 (Vishakha) alone is undertaking to pay within a period of 2 weeks.

6. Learned Counsel for the Applicant states on instructions that if the amount of Rs.8 lakh is paid by Respondent No.2 (Vishakha) within a period of 2 weeks, then the Applicant shall not claim any further amount or interest from Respondent No.2 (Vishakha). Statement accepted.

7. In that view of the matter, without expressing any opinion and without entering the controversy about interest claimed, Respondent No.2 (Vishakha) is directed to pay Rs.8 lakhs to the complainant within a period of 2 weeks from today. Upon such payment being made, IA/2251/2024 shall be dismissed/disposed of.

8. Stand over to 08.08.2025 for reporting compliance and disposal of IA/2251/2024.

IN IA 2252/2024

9. So far as IA/2252/2024 is concerned, considering that Respondent Nos. 2 to 4 therein (other accused Namita Rajendra Singh, Yogesh Rajendra Singh & Khushboo Rajendra Singh) are not coming forward before the Court and not complying with the conditions imposed by this Court, anticipatory bail granted in their favour stand vacated. IA/2252/2024 is allowed in above terms.

(M.M. SATHAYE, J.)