

Amberkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 947 OF 2025

Akhileshkumar Ramlakhan Shukla	.. Applicant
Versus	
State of Maharashtra	.. Respondent

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- Mr. Samir Hatle for Applicant
 - Ms. Megha S. Bajoria, APP for State

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CORAM : MILIND N. JADHAV, J.

DATE : MARCH 6, 2025

P. C.:

1. Heard Mr. Hatle, learned Advocate for Applicant and Ms. Bajoria, learned APP for State.

2. Applicant stands indicted for the offence punishable under 420, 406, 465, 467, 468 & 471 of IPC registered with Badlapur East Police Station.

3. Mr. Hatle would submit that there was a contract / agreement between the Applicant and the first informant complainant with respect to sale of 4 flats by the first informant to the Applicant. He would submit that said agreement was executed and also registered in December 2020. He would submit that non-compliance of the terms and conditions of the said agreement has been the cause for filing the original compliant / FIR by the first informant for the first time in October 2023 under Sections 420 & 406 of IPC. He would submit that

during the investigation, the alleged document / agreement executed between the parties was duly confirmed by the Notary who had notarized the said document upon which the first informant thereafter filed a fresh case for forgery in respect of the said document and therefore provisions of Sections 465, 467, 468 & 471 came to be added. He would submit that if the aforesaid timeline is considered, it becomes evident that at the inception stage when the said transaction document was executed between the parties, there was no element of deceit or deception to invoke the provisions of Section 420 of the IPC in the present case under criminal jurisprudence. That apart he would submit that for applying the charge of Section 420 along with Section 406 there has to be the element of deception and deceit right from the inception. That is *prima facie* absent in the present case. That apart he would submit that the agreement between the parties stand substantially complied with though some terms and conditions may not been complied with but that would not give cause to file a criminal complaint and at the highest it would give rise to a civil action.

4. He would submit that copy of the Application is served on the prosecution. He would submit that Applicant is arrested on 04.04.2024 and since then he is in incarceration. He would therefore

persuade the Court to consider the present Application for grant of bail.

5. The learned APP is directed to take cognizance of the aforesaid submissions and after perusing the charge sheet, apprise the Court regarding the role of the Applicant in the present crime as well as any digression from the submissions made by Mr. Hatle.

6. Stand over to **28th March 2025.** To be placed on **Supplementary Board.**

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[MILIND N. JADHAV, J.]

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