

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.1494 OF 2025

Shobhit Bhagwatprasad Maletha .. Applicant
Versus
The State of Maharashtra .. Respondent

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- Mr. Niranjan Mundargi a/w. Ms. Bhakti Deshpande and Mr. Zoheb Merchant, Advocates for Applicant.
 - Mr. Sukanta A. Karmakar, APP for Respondent.
 - Mr. Rishabh Khot, Advocate for Intervenor.
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CORAM : MILIND N. JADHAV, J.

DATE : APRIL 16, 2025

P.C.:

1. Heard Mr. Mundargi, learned Advocate for Applicant; Mr. Karmakar, learned APP for Respondent and Mr. Khot, learned Advocate for Intervenor.

2. Applicant is indicted under Sections 406, 409, 419, 420 and 34 of the Indian Penal Code, 1860.

3. Admittedly the facts emanating from the record shows that there was a relationship between the parties rather a commercial relationship emanating through a LLP executed as far back executed in the year 2016. The First Informant put trust in Applicant for executing the project of building a hostel building in Dehradun which was completed and fructified pursuant to which running of said hostel building was to be governed as per terms agreed between the parties.

4. Mr. Mundargi would submit that during COVID – 19 Pandemic there incurred losses due to several issues as also requiring resurrection of position of business of the said building / Agreement between parties which led to disputes.

5. He would submit that as per prosecution case amounts which were required to be deposited in the account of the LLP were siphoned of by Applicant into his personal account that led to filing of the First Information Report on 29.06.2024. Applicant came to be arrested on 31.08.2024. It is *prima facie* seen that in the interregnum Applicant has co-operated with the investigation by furnishing the entire documentary evidence which was sought for by the Investigating machinery. He would submit that a civil dispute between parties is given a criminal flavour since the dispute at the highest will be classified as a commercial dispute.

6. According to the First Informant there has been diversification of an amount of approximately Rs.9,44,00,000/-

7. *Prima facie*, after hearing Mr. Mundargi and Mr. Khot learned Advocates appearing at the bar, I am of the *prima facie* opinion that the dispute between the parties appears to be a commercial dispute.

8. However Mr. Khot would persuade the Court to consider that diversification of a substantial amount over a period of time would

amount to breach of trust in the facts of the present case.

9. Be that as it may, considering the relationship between parties and fact that First Information Report is lodged in June – 2024 and Applicant having co-operated, the learned APP appearing in the matter shall take appropriate instructions on the veracity of submissions made by Mr. Mundargi and accordingly apprise the Court to enable this Court to consider the Bail Application.

10. Mr. Mundargi in his usual fairness would submit that he would like to add the First Informant as Respondent No.2 to the present Application in order to save time so that he can be heard by the Court as well. If that be the case, the request made by Mr. Mundargi for amendment to Application stands allowed immediately. Let the necessary amendment be carried out forthwith. Re-verification stands dispensed with. Applicant's Advocate is directed to hand over copy to Mr. Khot. Mr. Khot is permitted by Court to file his Affidavit-in-Reply within two weeks from today.

11. Mr. Karmakar, learned APP shall take appropriate instructions and file Affidavit-in-Reply within a period of two weeks from today positively.

12. Stand over to **30th April, 2025**. To be placed under the caption '**For Compliance**'.