IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

Criminal Bail Application No. 2843 of 2025

Manish Madanlal Bohra
Age: 36, Occ. Business,
R/o. Ashapura Town, Near
Shiv Mandir, Near Saint
Paul School, Jodhpur, Pali,
Rajasthan.
(Currently lodged in Malegaon Jail) … Applicant

Versus

1. The State of Maharashtra
At the instance of Killa Police
Station, Malegaon, District Nashik

2. Naeem Akhtar Nihal Ahmed
Age :31, Occ. Business,
R/o. Plot No.71, Sannaulla Nagar,
Malegaon, Dist. Nashik. … Respondents

Mr Sandeep Shinde a/w Mr Rohan Gaikwad, for the applicant.
Mr Arfan Sait, APP, for respondent No.1/ State.
Mr Suhas Deokar a/w Mr Atmaram Patade, for respondent No.2.
API Tadvi, Killa Police Station, Nashik Rural.

Coram: R.N. Laddha, J.
Date: 12 December 2025

P.C.:

By this application, the applicant (accused No.3) seeks bail in connection with CR No.46 of 2024, registered at Killa Police Station, Nashik Rural, for offences punishable under Sections 406 and 420 read with 34 of the Indian Penal Code.

2. It is the case of the prosecution that the informant is engaged in the wholesale trade and manufacture of raw fabric, specifically Grey Cotton, and was introduced to the accused parties in Rajasthan by accused No.4. It is further asserted that, between 1 June 2022 and 5 June 2022, accused No.4 induced the informant to deliver goods on credit, with an agreed-upon payment term of eighteen days, to accused No.2, the proprietor of Harsh Trading, and accused No.7, the proprietor of Sheethal Mills. Through partial payments, the accused parties gained the informant's trust. Relying on these prior dealings, the informant subsequently supplied goods to other accused individuals, including the applicant's firm, Ashapurna Pro. However, despite repeated follow-ups, the accused failed to remit the outstanding dues, thereby cheating and misappropriating goods worth Rs.44,98,734/-.

3. Mr Sandeep Shinde, the learned Counsel appearing on behalf of the applicant, asserting the applicant's innocence, contends that the applicant has been falsely implicated in the crime. It is submitted that while the applicant was unaware of

the informant's filing of the FIR, the applicant had already paid Rs.2,30,000/- to the informant and refrained from paying the balance of Rs.30,000/- because the goods were of inferior quality, which was already informed to the informant. The learned Counsel argues that the present dispute is evidently of a civil nature. Instead of pursuing recourse through a civil forum, the informant has resorted to criminal proceedings in a questionable effort to exert undue pressure, thereby attempting to transform a civil dispute into a criminal one. The essential ingredients required to establish offences under Sections 406 and 420 of the IPC are significantly lacking. The applicant had no intention of defrauding or cheating the informant. Furthermore, the learned Counsel submits that the transactions in question occurred in June 2022, yet the FIR was filed only in 2024, without providing any plausible explanation for the delay. Mr Shinde further submits that the co-accused have already been released on bail, and the applicant has been languishing in jail since 26 March 2025, with no substantial progress in the trial. The applicant is willing to comply with any conditions that this Court deems fit to impose.

4. On the other hand, Mr Arfan Sait, the learned Additional Public Prosecutor representing respondent No.1/ State, and Mr Suhas Deokar, the learned Counsel appearing on behalf of

respondent No.2/ informant, jointly oppose the applicant's request for bail and contend that the offence is of a serious nature. It is submitted that the applicant, along with the co-accused, procured the goods from the informant and failed to repay the balance amount, thereby misappropriating the goods. The learned APP raises concerns about potential evidence tampering and witness influence if the applicant is released on bail.

5. This Court has given anxious consideration to the rival contentions canvassed across the Bar and perused the records.

6. Upon a careful perusal of the material placed on record, it *prima facie* emerges that the dispute between the applicant and the informant arises out of a commercial transaction. The allegations as set forth in the FIR, even if taken at face value, do not *prima facie* disclose the essential ingredients constituting a cognizable offence, particularly under Section 420 of the Indian Penal Code.

7. It is a settled proposition of law that, in order to attract the offence of cheating, it must be demonstrated that the accused had a fraudulent or dishonest intention to deceive the informant at the very inception of the transaction. Mere failure to discharge a financial liability or the existence of a monetary

dispute, without more, does not *ipso facto* amount to the commission of a criminal offence. In the absence of any cogent material indicating that the applicant harboured a dishonest intention *ab initio*, the invocation of criminal law appears to be a colourable exercise aimed at giving a civil dispute the complexion of a criminal offence. It is pertinent to note that no civil proceedings have been instituted by the informant for the recovery of the alleged dues. Moreover, the investigation into the present crime has been concluded and the charge sheet has already been filed.

8. In light of the foregoing, this Court is inclined to grant bail to the applicant. Hence, the following order:

ORDER

(i) The applicant shall be released on bail in CR No.46 of 2024, registered at Killa Police Station, Malegaon, Nashik, upon executing a PR Bond of Rs.25,000/- and furnishing one or more sureties in the like amount.

(ii) The applicant, himself or through any other person, shall refrain from tampering with evidence or exerting influence over witnesses.

(iii) The applicant shall regularly attend and cooperate with the trial Court for the expeditious disposal of the case.

9. The application stands disposed of accordingly.

(R.N. Laddha, J.)