



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO. 305/2025

VIKAS GAJANAN SHARMA AND ORS ..APPLICANTS
VS
STATE OF MAHARASHTRA ..RESPONDENT

Adv. Nishit Chopra for applicants (note of appearance not submitted)
Mr. Anand S. Shalgaonkar, APP for State.
Adv. Pankaj Das for the informant.
PI Gaikar, Mulund police Station.

CORAM : RAJESH S. PATIL, J.

DATE : MARCH 25, 2025.

P.C. :

1. This application is filed under Section 438 of the Code of Criminal Procedure for seeking pre-arrest bail in connection with the First Information Report (FIR) No.769/2024 registered with the Mulund Police Station, for the offence punishable under Sections 419, 420, 409, 406, 467, 468, 471, 504, 506(2) read with 34 of the Indian Penal Code.

2. As this order was dictated in the open Court, the learned counsel appearing for the applicants on instructions of the applicants seeks liberty to withdraw the present anticipatory bail application.

3. In the present proceedings, by an order dated 20/2/2025, the undertaking given by the applicants was taken on record.

4. For the ease of reference, the order dated 20/2/2025 is reproduced herein below:-

1. The learned Advocate for the Applicant seeks liberty to amend the Anticipatory Bail Application and add the first Informant as a party Respondent No.2. Liberty is granted, as prayed for.

2. Amendment to be carried out forthwith.

3. The learned Advocate for the Applicants to serve copy of the Anticipatory Bail Application to newly added Respondent No.2.

4. The learned Advocate for the Applicants submits that the transaction in question is of a civil nature, pertaining to goods sold and delivered. As of date, no civil suit for recovery has been filed against the present Applicant by the Informant.

5. He submits that the total transactions between the parties was amounted to Rs.35 Crores, out of which Rs.27 Crores have already been paid. The remaining balance of Rs.8 Crore could not be paid due to financial difficulties faced by present Applicants. Therefore, the F.I.R. has been lodged against the Applicants, as well as certain other individuals, including a Chartered Accountant who, according to the Informant, facilitated the preparation of documents termed as a foreign bank guarantee.

6. The learned Advocate for the Applicant further submitted that today he is filing an affidavit/undertaking on behalf of the Applicant No.1(Vikash Gajanand Sharma). In the said affidavit/undertaking, it is specifically stated that 20% of the disputed amount will be deposited in this Court within a three weeks from today, while a timeline will be required for the remaining 80%, which will be submitted on the next date of the hearing.

7. The undertaking dated 5 February 2025 submitted by Applicant No.1 (Vikash Gajanand Sharma), is taken on record and marked as **"X"** for identification. All statements/undertaking mentioned in the undertaking dated 5 February 2025 are accepted as an undertaking to this Court. For ease of reference, the said undertaking is scanned and reproduced hereinbelow :

909 (A)
20102

RPK
20/12/25

Foram: Bhai Rajesh S. Patil, J

Date: 8/20/2025 For Reg. (J)

IN THE HON'BLE HIGH COURT OF JUDICATURE AT MUMBAI
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 305 OF 2025

Register Sr. No. 08125
Date: 05/02/2025
My Commission Expires
on 1st March 2028

Vikash Gajanand Sharma and Others

... Applicant

VERSUS

State of Maharashtra
Respondent



UNDERTAKING ON BEHALF OF THE APPLICANT

I, Vikash Gajanand Sharma, aged about 34 years, Indian inhabitant, having address at: House No. 08, Veer Villa, Near Galaxy Circle, Pal Road, Adajan, Dist. Surat, on solemn affirmation state on oath as under:

1. I state that I shall deposit 20% amount of disputed amount within a period of 3 weeks from the date of filing this undertaking as per the direction of

Ek

- 2 -

this Hon'ble Court in the captioned anticipatory bail application.

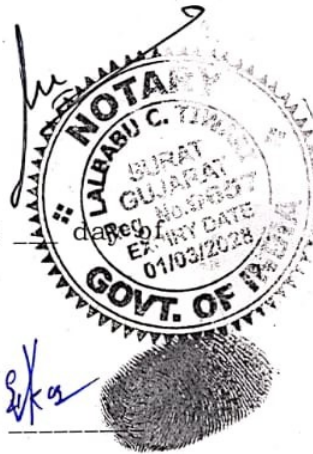
2. I further state that the alleged transaction is a pure business transaction and there is no forgery committed on our side and all the documents are genuine and not forged.

3. I state that the present undertaking is without prejudice to my rights and contentions and I shall abide by the present undertaking.

IDENTIFIED BY

N. Tiwari
No- G/6040-A/1996

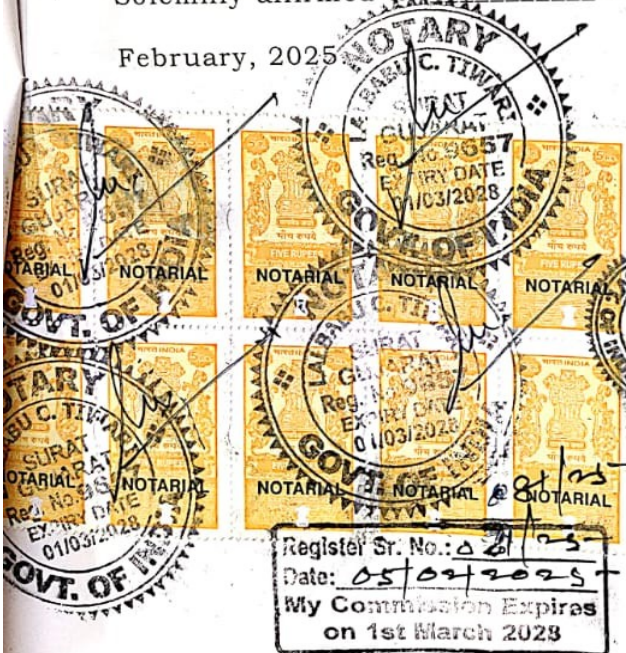
Solemnly affirmed at _____ on this the _____
February, 2025



DEPONENT



BEFORE ME
LALBABU C. TIWARI
NOTARY
SURAT-GUJARAT
GOVT. OF INDIA



8. Since the advocate appearing on behalf of the Applicant, on instructions of the Applicant and while filing the present undertaking, has specifically argued that if the 20% amount, which is to be deposited within three weeks to show their bona fides, is not deposited, the present Anticipatory Bail Application may be treated as rejected, the said undertaking given by the Advocate for the Applicants, on instructions of the Applicants, is accepted.

8, The Applicants are granted three weeks' time, without prejudice to the rights any of the parties, to deposit a sum equivalent to 20% of the disputed amount, which would be Rs.1,60,00,000/-.

9. Since the Applicant is voluntarily depositing 20% of the Rs.8 Crores for a limited period of three weeks, the police should not take any coercive steps against the Applicants.

10. The matter to come up on **17 March, 2025** under the caption "**For Directions**".

11. In the meanwhile, the Applicant should also attend the concerned police station on 26 February 2025, 27 February 2025 and 28 February 2025 between 11.00 a.m. to 1.00 p.m.

12. Mr. Dalvi seeks liberty to file reply on behalf of the Informant. Liberty is granted as prayed for.

5. The anticipatory bail application stands disposed of as withdrawn.

(RAJESH S. PATIL, J.)