

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

ANTICIPATORY BAIL APPLICATION NO. 435 OF 2025

Karan Dilip Bothara
S/o Dilip Bothara ...Applicant
Vs
State of Maharashtra ...Respondent

**WITH
ANTICIPATORY BAIL APPLICATION NO. 434 OF 2025**

Somya Agarwal Bothara
W/o Karan Dilip Bothara ...Applicant
Vs
State of Maharashtra ...Respondent

Adv. Aabad Ponda, Senior Counsel a/w Chirag Naik, Vaijayanti S.
i/b MZM Legal for the Applicant in ABA/435/2025.

Adv Parvez Memon a/w Chirag Naik, Vaijayanti Sharma, Ms.
Noopur Mathrawala. i/b MZM Legal LLP for the Applicant in
ABA/434/2025.

Mr. Shirish Gupte, Senior Advocate a/w. Mr. Saket Mone & Mr.
Devansh Shah i/b. Vidhii Partners, Advocate for Original
Complainant.

Adv. Rutuja A. Ambekar, APP for the State in both ABA.

API Mr. D. M. Waghmare, EOW Pune.

CORAM : RAJESH S. PATIL, J.

DATED : 20 FEBRUARY 2025

P.C.:

1. Mr. Abad Ponda, Senior Advocate on behalf of Applicant No.1 has tendered an affidavit of Applicant (Karan Dilip Bothara), stating that the amount payable by the applicants is Rs.7,47,00,000/-, which will be cleared by 20 June 2026. The affidavit of Applicant No.1 (Karan Bothara) dated 9 February 2025, is taken on record and marked “X” for identification.

2. Mr. Abad Ponda, Senior Advocate, further submits that the amount acknowledged as payable, as per the schedule stated in the affidavit, is without admitting any outstanding liability or the guilt of the Applicant in this case. The said payment is being made solely to bring an end to the dispute arising from the crime in question. For ease of reference, the affidavit is scanned and reproduced below:



सत्यमेव जयते



IN-UK75403373983278X

INDIA NON JUDICIAL

Government of Uttarakhand

ABHI SHARMA
STAMP VENDOR, H.I.

e-Stamp

Certificate No.	: IN-UK75403373983278X
Certificate Issued Date	: 19-Feb-2025 12:02 PM
Account Reference	: NONACC (SV)/ uk1374104/ HALDWANI/ UK-NT
Unique Doc. Reference	: SUBIN-UKUK137410458049584790600X
Purchased by	: KARAN BOTHARA
Description of Document	: Article 4 Affidavit
Property Description	: NA
Consideration Price (Rs.)	: 0 (Zero)
First Party	: KARAN BOTHARA
Second Party	: NA
Stamp Duty Paid By	: KARAN BOTHARA
Stamp Duty Amount(Rs.)	: 500 (Five Hundred only)

Abhishek

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Statutory Alert:

1. The authenticity of this Stamp certificate should be verified at 'www.echeckstamp.com' or using e-Stamp Mobile App of Stock Holding
Any discrepancy in the details on this Certificate and as available on the website / Mobile App renders it invalid.

2. The onus of checking the legitimacy is on the users of the certificate

3. In case of any discrepancy please inform the Competent Authority

Coram: Rajesh S. Patil J
For Reg (J-I)

R/o L
20/2/25

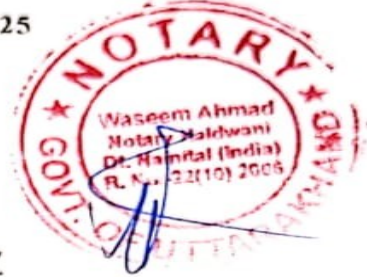
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 485 OF 2025

Karan Bothara...Applicant

Versus

State of Maharashtra

...Respondent



AFFIDAVIT ON BEHALF OF THE APPLICANT

I, Karan Dilip Bothara, aged 31 years, Indian Inhabitant having residence at Bungalow No. 22, Pitaliye Nagar Society, Salisbury Park, Pune -411037 do hereby solemnly affirm and state as follows:

1. I say that I have been arraigned as the sole Accused in G.R. No. 1009 of 2024 dated 18.12.2024 (the "FIR") being investigated by the Respondent Economic Offences Wing, Pune ("EOW") transferred from Chaturshringi Police Station and, am the Applicant in the captioned matter.
2. I say that the FIR has been registered at the behest of the Complainant alleging that I have failed to repay the sums allegedly advanced by him to the tune to INR 15,50,00,000 through his company – Purple Constructions Private Limited (the "Company").
3. I state that as per the FIR itself, the following repayments have been admittedly made by me to the Company:

Date	Amount
Sep 2023 – Oct 2023	2,75,00,000
January 2024	45,00,000
Total	3,20,00,000

4. Further, I state that I have also made the following repayments to the Company through the Complainant's brother Mr. Shravan Agarwal, which he has verbally acknowledged at the time of the said repayments.

Date	Amount
April 2023	2,20,00,000
August 2023	1,15,00,000
November 2023	48,00,000
Total	3,83,00,000

5. Pursuant to the above repayments totalling to INR 7,03,00,000/- , I state that to the best of my knowledge and belief the total outstanding with the Company is to the tune of INR 8,47,00,000/- only.

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Further, on 20.12.2024, Mr. Shravan Agarwal, the Complainant's brother, requested to meet at the Trident Hotel, Bandra Kurla Complex, at 2 PM. I attended the meeting. During our conversation, Mr. Agarwal suggested that since he was in need of couple of products (purses) valued at INR 1 crore the Accused can start repaying the loaned funds by purchasing the same on his behalf. This request was fulfilled on the same day, and purses worth INR 1 crore were provided to Mr. Agarwal by me, and the EOW was informed of the same as well.

7. Accordingly, without prejudice to the submissions, statements, averments and submissions made in the said Application, and in good faith, I hereby place on record my proposed plan for the remaining outstanding loan of INR 7,47,00,000

Sr. No.	Date	Amount
(1)	Within 10 days	INR 40,00,000
(2)	20.06.2025	INR 1,00,00,000
(3)	20.10.2025	INR 1,00,00,000
(4)	20.12.2025	INR 50,00,000
(5)	20.02.2026	INR 1,50,00,000
(6)	20.06.2026	INR 3,07,00,000
Total		INR 7,47,00,000

8. I further declare and confirm that the facts stated in this Affidavit are true to my own knowledge and legal submissions are made on legal advice and I believe the same to be true.
9. The above proposal is most humbly made in furtherance of hearing before this Hon'ble Court dt. 18.02.2025 and in good faith with a view to seek quietus and amicable resolution of the matter and is without prejudice to any other grounds or submissions on merits made in my Anticipatory Bail Application. This may please not be treated as any admission of the Complainant's case.

Solemnly affirmed at Haldwani
Dated this 19 day of February 2025)

Identified by me

S. D. Sharma

KD Bothara
Deponent

3. The statements made in the affidavit are accepted as statements made to this Court.

4. Mr. Gupte, Senior Advocate appearing on behalf of the Complainant submits that the outstanding amount as mentioned in the Affidavit of the Applicant and the proposed payment timeline are not acceptable to the Complainant.

5. The learned APP on the last occasion, had raised the issue of the present Anticipatory Bail Application not maintainable, since the Applicant has approached this Court without first approaching the Sessions Court. The parties to day have agreed that the Applicant will withdraw the present Anticipatory Bail Application and approach the Sessions Court by filing Anticipatory Bail Application. Accordingly, the Applicants are directed to approach the Sessions Court and since the Sessions Court handling the assignment of Anticipatory Bail Applications is not available, the in-charge Court (POCSO Court), will hear the Anticipatory Bail Applications proposed to be filed by the applicants, as early as possible.

6. In the meantime, since the Applicant have shown their bonafide by expressing their willingness to deposit amount as per the schedule mentioned in the affidavit, no coercive steps will be taken against

Applicants for a period of one week.

7. If the said application proposed to be filed by the Applicants is not decided within a period of one week, the Applicants can make a request to the concerned Court for extension of interim relief if the needs arises.

8. Accordingly, **the present Anticipatory Bail Applications are disposed of.**

9. All contentions of the parties are kept open.

(RAJESH S. PATIL, J.)