

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.510 OF 2025

Sandeep Ramkrishna Arora @ Karan Arora	...Applicant
Vs	
The State Of Maharashtra	...Respondent

Adv. Rishikesh Dube, Advocate for the Applicant.

Mr. Kiran Jain a/w. Mr. Duj Jain i/b. Kiran Jain & Co., Advocate for the informant.

Ms. Roshani Salunkhe, MIDC Police Station present.

CORAM : RAJESH S. PATIL, J.

DATED : 7 APRIL 2025

P.C.:

1. Initially, Mr. Dube, the learned advocate for the applicant, mentioned that there is a typographical error in order dated 25 March 2025 in paragraphs 2 and 3, where the figure is incorrectly mentioned as “Rs.17 Lakhs” instead of “Rs.70 Lakhs”.

2. In the order dated 25 March 2025, in paragraphs 2 and 3, the numerical figure “Rs.17 Lakhs” shall be replaced with “Rs.70 Lakhs”. The rest of the order remains unaltered. This order shall be read in conjunction with the order dated 25 March 2025.

3. In present anticipatory bail application, the following order was passed by this Court on 25 March 2025 :-

“1. The applicant is seeking pre-arrest bail under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with C. R. No.826/2024 registered with MIDC Police Station, Mumbai for the offences punishable under Sections 352 and 118(1) of Bharatiya Nyaya Sanhita, 2023.

2. The learned counsel for the applicant submits that the applicant and the first informant are well acquainted with each other. The first informant desired to sale of his bungalow at Andheri. Initially a payment of Rs. 17 lakhs was made by the applicant to the first informant and on that basis, the applicant was allowed to used one of the rooms of the said bungalow. After the applicant started using one of the rooms of the said bungalow he had shifted with certain documents including his passport. On the unfortunate day, when the applicant and the first informant had met at around 1.00 am in pub called as “Tap” there were certain alteration between them which ultimately went physical. The first informant was hurt so also the applicant was hurt. Thereafter the applicant approached the nearest police station being the Bangur Nagar Police Station at night around 2.30 am. However, the applicant tendered a copy of the complaint but an acknowledge was not obtained since there was no officer in the Bangur Nagar Police Station to give him acknowledgement. The applicant thereafter realized that the first informant lodge FIR at MIDC Police Station, Andheri. Pursuant to the FIR being lodged against the present applicant, the applicant moved a pre-arrest bail application before the Sessions Court. However, the said pre-arrest bail application was rejected by the Sessions Court. Therefore, the present anticipatory bail application has been filed.

3. He further submits that as of today, a sum of Rs. 17 lakhs of the applicant are lying with the first informant. So also, valuable documents like passport and other documents of the applicant are lying into the premises of the first informant. As of date, no civil proceeding has been filed by the applicant for seeking specific performance or for seeking return of his documents or for refund of his amount along with interest. He submits that the custody of the present applicant is not at all necessary for investigation to be completed.

4. The learned APP tendered a copy of the medical certificate of the injuries sustained by the first informant. The said medical certificate shows the injuries as simple. He submits that there is no antecedent reported against the present applicant and the applicant has to co-operate with the concerned investigating officer in order to

complete the investigation.

5. Considering the contents of the FIR and the documents referred by the both the sides, the applicant is directed to add the first informant as party respondent no. 2. Amendment to be carried out forthwith. If the amendment is not carried out forthwith, the anticipatory bail application will stand dismissed without further reference to this Court.

6. APP to serve a copy of the anticipatory bail application upon the newly added respondent no.2 through the investigating officer.

7. Stand over to 7 April 2025 under the caption “for urgent circulation.”

8. In the meanwhile, no coercive steps be taken against the applicant.”

4. Today, when the matter was called out, submissions were made on behalf of the informant stating that the applicant is not in possession of the subject room of the bungalow. It was further submitted that a sum of Rs.70,00,000/- was never paid by the applicant to the informant. In fact, the informant claims that an amount of Rs.55,00,000/- is recoverable from the applicant's relative.

5. The learned advocate for the applicant submits that there is a dispute between the parties regarding the amount payable, and the appropriate remedy for either party would be to approach the Civil Court. The learned APP has handed over a medical certificate from a government hospital, which indicates that the injury sustained is of a simple nature. It is further submitted that the applicant has no criminal antecedents and is willing to cooperate with the investigation. Therefore, custodial interrogation of the applicant is not necessary.

6. The learned APP submits that the medical certificate of the informant was handed over to the Court on the last occasion and it indicates that the injury is simple in nature. Hence, custodial interrogation of the applicant is not warranted.

7. I have heard the learned advocates for the parties and have perused the documents available on record, including the medical

certificate of the informant.

8. The medical certificate of the informant shows that only a simple injury was sustained. It is submitted before me that there are no criminal antecedents against the present applicant.

9. The applicant claims that an amount of Rs.70,00,000/- was paid by him to the informant as part payment towards the transaction for purchase of the informant's bungalow. As per the applicant's case One room in the said bungalow was handed over to the applicant, and the applicant's valuables such as computers, passport, and other documents are lying in that room.

10. Mr. Jain, the learned advocate for the informant, submits that none of the applicant's belongings are lying in the subject bungalow and that there was no transaction between the parties regarding the sale of the said bungalow.

11. In my view, the applicant and the informant are known to each other and had dealings in relation to the sale of the bungalow. It appears that the said transaction did not materialize and disputes have arisen between them. As of now, neither party has initiated any civil proceedings against the other.

11. As far as the injury to the informant is concerned, the medical

certificate issued by the BMC hospital indicates that the injury is of a simple nature. In my view, as of today, the custodial interrogation of the present applicant is not necessary. In such a situation, prima facie case is made out by the Applicant to grant anticipatory bail on the following conditions:-

ORDER

- (a) The anticipatory bail application is allowed
- (b) In the event of arrest of the Applicant C. R. No.826/2024 registered with MIDC Police Station, Mumbai for the offences punishable under Sections 352 and 118(1) of Bharatiya Nyaya Sanhita, 2023, the Applicant shall be released on bail furnishing P.R. bond to the extent of Rs.30,000/- with one or more sureties of the like amount.
- (c) The Applicant shall co-operate with the investigation and attend the investigating officer of the concerned police station on 16 April 2025 and 17 April 2025 between 11.00 a.m to 1.00 p.m., and thereafter, as and when called upon to do so.
- (d) The Applicant shall not directly or indirectly make any inducement, threat or promise to victim and to any person acquainted with facts of case so as to dissuade him/her from disclosing the facts to Court or to any Police Officer and should not tamper with evidence.
- (e) The Applicant shall furnish his contact number and residential

address to the investigating officer and shall keep him updated, in case there is any change.

(f) The Applicants and his surety shall provide their respective mobile numbers, e-mail address and documents pertaining to the place of residence.

10. Needless to say, violation of any of the aforesaid conditions would make the applicant liable to face proceedings for cancellation of anticipatory bail. It is also clarified that the observations made in this order are limited to the question of grant of anticipatory bail to the applicant in the present application and that the trial Court shall proceed further, without being influenced by the observations made in this order.

11. In view of the above, the present Anticipatory Bail Application is disposed of.

(RAJESH S. PATIL, J.)