

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

ANTICIPATORY BAIL APPLICATION NO. 657 OF 2025

1. Vimal Banarsilal Agarwal
 2. Rohan Vimal Agarwal
- ...Applicants

V/s.

The Union Territory DNH Daman and Diu ...Respondent

Mr. Ashok Saraogi a/w Mr. Anand Mishra, Mr. Amit Debey, Adv. Abdullah Shaikh, Advocate for the Applicants.

Adv. Ashwin Thool, a/w Mr. Ayush Singh, for the Respondent No.1/UT.

Adv. J. S. Kini a/w Adv. Aum. Kini i/b Ms. Sapna Krishnappa, Advocate for Respondent No.2.

Ms. Rutuja Ambekar, APP for the Respondent/State.

CORAM : N.R. BORKAR, J.
DATE : 04.12.2025.

P.C. :

1. This is an application for Anticipatory Bail.
2. The applicants are apprehending their arrest in Crime No. 83 of 2024 registered at Naroli Police Station for the offences punishable under Sections 420, 468, 471 & 120-B of the Indian Penal Code, 1860.
3. It is the case of the prosecution that the first informant and applicant No.1 are brothers and applicant No.2 is the son of

applicant No.1. Applicant No.1 and the first informant were partners in the partnership firm Royal Impex. It is alleged that applicant No.1 retired from the said partnership firm after accepting an amount of Rs.2,69,77,390/-. It is alleged that despite his retirement, applicant No.1 has executed a false and fabricated lease deed in respect of the premises owned by the partnership firm in favour of applicant No.2. The allegations against the applicants are of preparing the false document to defraud the first informant.

4. I have heard the learned counsel for the applicants, the learned Special PP for the Union Territory of DNH Daman and Diu and the learned counsel for the respondent/first informant.

5. The learned counsel for the applicants submits that as regards the alleged retirement of the applicant No.1 from partnership firm, the arbitration proceedings are pending. It is submitted that even a civil suit is pending between the parties in respect of the very same premises. The learned counsel for the applicants submits that the investigation is over and the prosecution has already filed the charge-sheet. It is submitted that therefore there is no need of custodial interrogation.

6. On the other hand, the learned Special PP for the Union Territory of DNH Daman and Diu and the learned counsel for the respondent/first informant submit that though the applicant No.1 stood retire from the partnership firm, with intent to defraud the first informant executed the lease deed in favour of applicant No.2

in respect of the premises owned by the partnership firm. It is submitted that considering the nature of crime, the applicants may not be released on anticipatory bail.

7. I have perused the First Information Report. *Prima-facie*, the dispute between the parties appears to be of civil nature. The investigation is over and the prosecution has already filed charge-sheet. In that view of the matter, I am inclined to release the applicants on anticipatory bail. In the result, the following order is passed :

ORDER

- a) The Application is allowed.
- b) In the event of arrest of the applicants in connection with Crime No. 83 of 2024 registered at Naroli Police Station, for the offences punishable under Sections 420, 468, 471 & 120-B of the Indian Penal Code, 1860, the applicants be released on bail on furnishing P.R. Bond in the sum of Rs. 25,000/- each with one or two sureties in the like amount.

[N.R.BORKAR, J.]