



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.845/2025

HETAL VISHNUBHAI SHAH

...APPLICANT

VS

THE STATE OF MAHARASHTRA

...RESPONDENT

...

Adv. Karim Pathan, Shane Illahi Turkey, Deepak Bansode & Tabhish
Shaikh for the Applicant.

Adv. Anand S. Shalgaonkar, APP for the respondent State.

PSI Datta Gover, Borivali Police Station.

...

CORAM : RAJESH S. PATIL, J.

DATED : MARCH 26, 2025

P.C.:

1. This is an application under Section 482 of The Bharatiya
Nagarik Suraksha Sanhita, 2023 filed by the applicant for seeking
Anticipatory Bail in C.R.No.167/2025, registered at at Borivali Police
Station, for the offences punishable under sections 306 and 317(5) r/w
Section 34 of Bharatiya Nyaya Sanhita, 2023.

2. In the FIR, it is the case of the first informant that one Mr.
Sanjay Chhabria informed him that the present applicant (Hetal Shah)
had contacted him for selling watches. It is further alleged that the
present applicant informed the Sanjay Chhabria that the watches are
purchased by him through one Mr. Prashant Soni. The said Mr. Prashant
Soni is working in the shop of the first informant for last 30 years. The

first informant's shop sales watches. On the basis of information received from Sanjay Chhabria, an FIR has been lodged by the first informant against the Prashant Soni.

3. Learned counsel for the applicant submits that the name of the present applicant was roped-in after the statement of the accused Prashant Soni was noted by the police. He submits that before present FIR was lodged, an FIR was lodged by Mr. Sagar Khemani against the present applicant. There was an issue as regards the re-development of bungalow wherein, the relation between the present applicant and the said Sanjay Chhabria was at loggerhead. In the said FIR though the name of the present applicant was mentioned, however, in the letter received from the complainant to the police, it is mentioned that the complaint was lodged on instructions of Sanjay Chhabria and the present applicant Hetal Shah has no role to play in the present crime.

4. He further submits that after the letter being received from the complainant, the police has not taken any action against the present applicant as they were convinced that on behest of Sanjay Chhabria, the said complaint was lodged. It is further stated that in the bail application moved by the accused Prashant Soni, the first informant has given no objection. Based on the said no objection, the bail application of the accused Prashant Soni was allowed. He submits that a total false complaint has been lodged and the name of the present applicant has

been roped-in by the said Sanjay Chhabria. He submits that custody of the present applicant is not at all necessary as the applicant is ready to co-operate.

5. The learned APP submits that the statement of the Sanjay Chhabria has been recorded. However, the prosecution needs to investigate the matter and find out the person, who are involved in the present crime.

6. I have heard the counsel for both the sides and have gone through the documents including the FIR.

7. Considering the contents of the FIR and the contents of the earlier FIR filed by one Mr. Shailesh Pandey, who has subsequently by his letter dated 22 February 2025, mentioned that on behest of Mr. Sanjay Chhabria, he had lodged the complaint. I have been informed that the said Shailesh Pandey was worked in the company of the Sanjay Chhabria which is a company of dealing with “parking spaces”. It appears from the documents before me that there is some kind of enmity between the Sanjay Chhabria and the present applicant which appears to be from a re-development project. Be that as it may. As far as the present FIR is concerned, the fact remains that the application of the main accused for bail was allowed since, the complainant gave no objection. The said no objection is attached to the present anticipatory

bail application at page no.20.

8. As far as the present applicant is concerned, the allegations in the FIR, it is hard to believe since, it states that Sanjay Chhabria was contacted by the present applicant in order to sale certain watches. Sanjay Chhabria thereafter asked for the bills and warranty cards when the present applicant stated that those watches were given to him by Prashant Soni who works in the shop of the first informant. For me, it is very difficult to understand, as to how, the Sanjay Chhabria had contacted by the present applicant against whom there was an FIR lodged 15 days back.

9. In view of the above, I am convinced that this anticipatory bail application needs to be allowed. There is no need for arresting the present applicant. Hence, I pass the following order.

ORDER

(a) **The anticipatory bail application is allowed.**

(b) In the event of arrest in connection with C.R.No.167/2025 registered with Borivali Police Station, the applicant shall be released on bail, on furnishing P.R. bond to the extent of Rs.30,000/- with one or two sureties of the like amount.

(c) The applicant shall attend the concerned police station on 7/4/2025 between 11.00 a.m. to 1.00 p.m. and

thereafter, as and when called for.

(d) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him from disclosing the facts to Court or any Police Officer and shall not tamper with evidence.

(e) The applicant shall furnish details of his residential address, contact number and email address to the Investigating Officer.

10. **Anticipatory Bail Application is accordingly disposed off as allowed.**

(RAJESH S. PATIL, J.)