

AGK

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

ANTICIPATORY BAIL APPLICATION NO.1348 OF 2025

Sanjay Shyamsunder Dubey ... Applicant

V/s.

The State of Maharashtra & Anr. ... Respondents

Mr. Tanveer Aziz Patil with Mr. Rahul Varde for the applicant.

Mrs. Rajashree V. Newton, APP for the respondent-State.

Mr. Bhagyesh Patil with Mr. Ganesh Gupta, Mr. Sahil Ghorpade, Mr. Surya.P. Gupta, Mr. Madam Kharote, and Ms. Priyanka Rathod for respondent No.2.

CORAM : AMIT BORKAR, J.

DATED : SEPTEMBER 15, 2025

P.C.:

1. The applicant, apprehending arrest in connection with Crime Register No. 68 of 2025 registered with Kalamboli Police Station for the offence punishable under Section 316(5) of the Bharatiya Nyaya Sanhita, 2023 (BNS), has approached this Court seeking the relief of pre-arrest bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS).

2. As per the prosecution, the first informant is engaged in wholesale business of steel trading under the name Devdeep Steel. His brother carries on a similar business under the name Kanak Bhuvan Stainless. The informant and his brother have known the applicant since 2015, as he is proprietor of Jyoti Enterprises which

also deals in steel trading. The warehouse of the applicant is situated adjacent to that of the informant. The informant used to keep his steel products in the warehouse of the applicant and the same used to be loaded from there into vehicles for further business transactions.

3. It is alleged that the applicant, acting as an agent, misappropriated the goods of the informant. On this allegation, FIR No. 68 of 2025 came to be lodged.

4. Learned counsel for the applicant submitted that the dispute between the applicant and the informant is in essence a civil dispute. The criminal complaint is nothing but an attempt to pressurise the applicant to recover money through police machinery. It is argued that the applicant was neither an employee nor an agent of the informant and hence the ingredients of Section 409 BNS are not attracted. Placing reliance on the invoice dated 16 February 2025, counsel submitted that the goods allegedly entrusted were in fact purchased by the applicant under the said E-bill, which also bears payment of GST. Therefore, the applicant is the lawful owner of the goods and there was no entrustment or misappropriation. On this basis, it was prayed that the applicant deserves protection from arrest.

5. Per contra, learned APP and the counsel for the informant pointed out the email sent by the Superintendent, Range-V, Division-VI, Pune-II, to the Investigating Officer. The said email communicates that the invoice relied upon by the applicant, dated 16 February 2025, is not found in the GST records. It is further

stated that there is no supply transaction from Rockwell Engineering to GST Enterprises under the GST numbers concerned. The details of the invoice relied upon by the applicant are absent in the GST department's records. On this basis, it was argued that the applicant has produced forged documents to mislead the Court and to seek favourable relief.

6. In addition, learned counsel for the informant submitted that during the hearing of the bail application before the Sessions Court, certain video recordings were produced, which revealed that the applicant had admitted to the act of misappropriation. The Sessions Court, while rejecting anticipatory bail, observed that these videos were not denied by the applicant. It was further argued that consent letters signed by the applicant show his admission of responsibility for handling, loading, and unloading of material in the godown situated at Plot No. 551, which belonged to the informant's firm. Bill No. 152 dated 20 July 2021 also records details of storage, loading, unloading, and rent paid to the applicant. The informant has placed on record his bank statements showing warehouse payments. It is therefore contended that the conduct of producing forged documents disentitles the applicant from any relief under Section 482 of the BNSS. Hence, it was prayed that the application be dismissed.

7. I have considered the rival submissions and perused the record. The allegations against the applicant are of serious nature, involving misappropriation of steel goods of the informant in the course of business. The plea of the applicant that the transaction is purely civil cannot be accepted at this stage, as the material placed

by the prosecution shows prima facie elements of entrustment and dishonest misappropriation.

8. The invoice dated 16 February 2025 relied upon by the applicant to claim ownership of the goods has been categorically discredited by the GST authorities in their communication to the Investigating Officer. It is specifically stated that no such supply transaction is found in their record. This lends support to the allegation that the applicant has sought to rely upon forged documents for obtaining relief from this Court. Production of such documents cannot be treated lightly, as it goes to the root of the applicant's bona fides.

9. Further, the Sessions Court has already noted that video recordings played during the earlier proceedings indicate that the applicant had admitted the act of misappropriation. These videos have not been denied by the applicant. The consent letters signed by the applicant also show that he was responsible for handling, loading and unloading of goods in relation to the warehouse at Plot No. 551. Documentary material such as Bill No. 152 dated 20 July 2021 and the bank account entries relating to warehouse rent corroborate the prosecution version.

10. In view of the above material, the contention that no entrustment is made out cannot be accepted. On the contrary, the record prima facie shows entrustment of goods and misappropriation by the applicant. The attempt of the applicant to project the matter as a mere civil dispute is without substance.

11. The settled legal position is that anticipatory bail is an extraordinary relief, not to be granted where serious allegations of economic offence, cheating, or forgery are made, particularly when the investigation is at a crucial stage. The allegations against the applicant involve breach of trust in a commercial transaction, supported by documentary and electronic evidence. The conduct of producing allegedly forged invoices further disentitles the applicant from invoking the equitable jurisdiction of this Court under Section 482 of the BNSS.

12. Considering the nature and gravity of the offence, the material on record, and the stage of investigation, this Court is not inclined to exercise discretion in favour of the applicant.

13. Accordingly, anticipatory bail application stands rejected.

(AMIT BORKAR, J.)