

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

ANTICIPATORY BAIL APPLICATION NO.1395 OF 2025

Tejas Lalit Soni

... Applicant

V/s.

The State of Maharashtra & Anr.

... Respondents

Mr. Saurabh Ghag, Nikita Chavan, Siddharth Raul, Amit Dwivedi for the Applicant.

Mr. P. H. Gaikwad, APP for Respondent No.1-State.

Mr. P. Ranjan i/by Halai & Company for Respondent No.2.

PI Digvijay Patil, IO, PSI Sunil Sonawane, Charkop Police Station is present.

CORAM : N.R. BORKAR, J.

DATE : 16TH SEPTEMBER 2025

PC. :

1. This is an application for anticipatory bail.
2. The Applicant is apprehending his arrest in Crime No.141 of 2025 registered with Charkop Police Station for the offences punishable under Sections 406, 409, 420 of the Indian Penal Code, 1860.
3. It is the case of the prosecution that the applicant, with a view to cheat the first informant showed him rosy picture and induced him to invest money in his business and defrauded him and his relatives to the tune of Rs. 5.92 Crore.
4. Learned Counsel for the Applicant submits that the applicant and the first informant were partners in the business. It is submitted that in

another identical crime, this Court, by order dated 9th June 2025 in Anticipatory Bail Application No.160 of 2025, has granted anticipatory bail to the present Applicant by observing that it's a purely civil dispute.

5. On the other hand, the learned APP for the respondent-State and the learned counsel for the first informant submit that at the time of deciding the Anticipatory Bail Application No. 160 of 2025, there were no other crimes registered against the applicant. It is submitted that considering the said fact, the applicant may not be released on anticipatory bail.

6. I have perused the order passed by this Court dated 9th June, 2025 in Anticipatory Bail Application No. 160 of 2025. This Court has observed :

“22. From the above, it is amply clear that criminal machinery cannot be initiated for acts which are civil in nature and every act of breach of trust may not result in a penal offence of criminal breach of trust unless there is evidence of manipulating act of fraudulent misappropriation. In the present case, the prosecution, at this prima facie stage, has failed to put forth any material indicating towards any manipulating act or fraudulent misappropriation of property done by the Applicant. All the materials purporting to be incriminating Applicant indicate towards acts not being done to fulfill contractual obligations which has its own remedies in law but not by initiating criminal law machinery. The question whether retention of gold involves criminal breach of trust or only a civil liability to return in these facts can only be proved at trial. At this prima facie stage, there appears to be no deception played by Applicant at inception of transaction as relationship of parties continued for 19 months before filing of FIR - an important element of Section 420 IPC since in the present case First Informant has accepted Novation of the Contract in the interregnum. Similarly ingredients of Section 409 IPC do not prima facie seem to be satisfied on the face of record. In such circumstances, I am of the prima facie opinion that the aspect of ‘criminality’ is not present in the instant case at this prima facie stage from the record and thus liberty of Applicant deserves to be protected. Alternatively, I am also conscious of the fact that the possibility of a criminal wrong is not too far fetched and can be unearthed at a

subsequent juncture, especially in light of the fact that there is another complaint lodged against the Applicant by some other client and hence this makes Applicant's participation in the investigation of paramount importance. However Applicant will therefore have to participate and make full and complete disclosure to the prosecution as delineated hereinabove to effect appropriate recovery of the alleged gold received by the Applicant."

7. In view of the above observations, I am inclined to allow the present Application. Hence, the following order:

ORDER

- i. The Anticipatory Bail Application is allowed.
- ii. In the event of the arrest of the Applicant in Crime No.141 of 2025 registered with Charkop Police Station for the offences punishable under Sections 406, 409, 420 of the Indian Penal Code, 1860, he shall be released on bail on furnishing a PR Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one or two sureties in the like amount.
- iii. The Applicant shall attend the concerned police station as and when called for by the investigating officer and shall co-operate in the investigation.

8. The Anticipatory Bail Application is disposed of in the aforesaid terms.

(N.R. BORKAR, J.)