

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

Anticipatory Bail Application No. 1955 of 2025

Faizan Haji Ranani

Age: 35 years, Occ: Business,
201. 2nd Floor, Balveder Hill Road,
Bab-e-Ebrahim, Mazgaon Garden,
Mazgaon, Mumbai - 400010

... Applicant

versus

The State of Maharashtra
(Through Uran Police Station)

... Respondent

Mr Mubin Solkar, along with Mr Hasnain Kazi, Ms Simran Shaikh and Mr Tahir Hussain, i/by Aiqan Memon, for the applicant.

Mr Pankaj Deokar, APP, for the respondent /State.
PSI Rathod, Uran Police Station, is present.

Coram: R.N. Laddha, J.

Date: 17 July 2025

P.C.:

This is an application for pre-arrest bail filed by the applicant in connection with CR No.51 of 2025, registered at Uran Police Station, Navi Mumbai, for offences punishable under Sections 318(4) and 316(2) read with 3(5) of the Bharatiya Nyaya Sanhita, 2023.

2. The prosecution alleges that between October 2024 and December 2024, the co-accused, Shakir, acquired fish from

vendors at Karanja Port through the informant acting as an agent. The informant received the payment for these goods from co-accused Yogesh. It is alleged that while the co-accused managed to pay 50% of the total cost, they failed to make payment of the balance amount. Upon making enquiries, the informant discovered that co-accused Shakir sold the fish to the applicant's proprietary firm, who in turn sent the payment to co-accused Yogesh. However, both the applicant and the co-accused failed to settle the outstanding balance, thereby misappropriating the goods and an amount of Rs.1,37,79,127/-.

3. Mr Mubin Solkar, the learned Counsel appearing on behalf of the applicant, asserts the applicant's innocence and contends that the applicant has been falsely implicated in the crime. He submits that the applicant has no direct or indirect involvement in the alleged crime, and no privity of contract exists between the informant and the applicant. The informant has given a criminal colour to a civil dispute. The learned Counsel further submits that the applicant is willing to comply with any conditions imposed by the Court if granted bail.

4. Mr Pankaj Deokar, the learned Additional Public Prosecutor representing the respondent/ State, opposes the applicant's request for pre-arrest bail and contends that the

offence is of a serious nature. The learned APP submits that the investigation revealed that the applicant played a crucial role in facilitating the transportation of the goods. If the applicant is released on bail, he may tamper with the evidence or influence witnesses.

5. Upon a perusal of the records, more particularly the content of the FIR, it appears that the entire transaction appears to be between the informant and the co-accused, Shakir and Yogesh. The primary allegations centre around the co-accused misappropriating the goods and failing to repay the outstanding dues. The applicant seems to be the subsequent buyer of the goods, and there are no specific allegations against him. A plain reading of the FIR, *prima facie*, does not reveal any elements of criminality attributed to the applicant. To constitute an offence of cheating, there must be more than a *prima facie* case; it must be shown that the accused had a fraudulent intention to deceive the complainant from the very beginning. Even if the applicant owed money to the complainant under an oral agreement, that fact alone does not constitute the offence of cheating unless it is shown that there was a dishonest intention at the outset. Notably, no civil proceedings have been instituted against the applicant. The prosecution's apprehensions about evidence tampering and

witness influence can be addressed by imposing suitable conditions. In the circumstances, this Court is inclined to exercise its discretion in favour of the applicant. Hence, the following order:

ORDER

- (i) In the event of the applicant's arrest in connection with CR No.51 of 2025, registered at Uran Police Station, Navi Mumbai, he shall be released on bail upon executing a PR Bond of Rs.25,000/- and furnishing one or more sureties in the like amount.
- (ii) The applicant shall attend the concerned Police Station as and when required by the investigating officer.
- (iii) The applicant, himself or through any other person, shall not tamper with the evidence or influence witnesses.

6. The application stands disposed of accordingly.

(R.N. Laddha, J.)