IN THE HIGH COURT OF JUDICATURE AT BOMBAY CRIMINAL APPELLATE JURISDICTION

Anticipatory Bail Application No.2199 of 2025

Abhijit Anil Chafaner
Age: 40 yrs, Occ: business
R/at Room No.5, Kasar Chawl,
Uttan road, Nehru Nagar, Near
Bhayander Police Station, Samta Nagar,
Bhayandar(West),401101 … Applicant.

Vs.

1) The State of Maharashtra
Through Samata Nagar Police Station
Kandivali East, Mumbai.

2) Deepak Mahadev Sakpal
Age: 54 yrs, Occ: business
R/at H-001, Gokul Residency,
Thakur village, Kandivali East,
Mumbai-400101 … Respondents.

Mr Sandesh Patil a/w Mr Chintan Shah and Hitesh Patel i/by Mr Prithviraj Gole for the applicant.
Mr YM Nakhwa, APP for the respondent / State.
PSI Manik Mohite, Samta Nagar Police Station.

Coram : R.N.Laddha, J.
Date : 7 August 2025.

P.C. :

By this application, the applicant seeks pre-arrest bail in connection with CR No.563 of 2025, registered at

Samata Nagar Police Station, Mumbai, for offences punishable under Sections 316(4), 351(3) of the Bharatiya Nyaya Sanhita (BNS), 2023.

2. According, to the prosecution, the applicant was employed by the informant in the business of providing rental services, including portable toilets, ambulances, walkie-talkies, and fire safety services for events and exhibitions. It is alleged that the applicant, in collusion with certain competitors, including a former employee of the informant, Reshma Bansode, engaged in acts detrimental to the interest of the informant. Consequently, the applicant's services were terminated on 19 March 2024. Subsequently, it is alleged that the applicant entered into a transaction with one Sahil Surve, a client, to whom he extended an unauthorised discount of Rs.3,000- and received a sum of Rs.22,000.- which was credited into his personal Google Pay account. Further, the applicant is accused of unauthorisedly disposing of portable toilets and safety tanks valued at Rs.3.94 lakhs and misappropriating a cheque amounting to Rs.4.43 lakhs issued by a client of the informant by depositing the same into the bank account of his mother. Based on these allegations, the informant lodged

the FIR, alleging that the applicant has committed acts of criminal breach of trust and misappropriation, resulting in a total wrongful loss of Rs.5,02,900/- to the informant.

3. The learned Counsel appearing on behalf of the applicant, asserting the applicant's innocence, contends that the applicant has been falsely implicated in the present case. The learned Counsel contends that there has been an inordinate and unexplained delay in the lodging of the FIR, which casts serious doubt on the veracity of the allegations. He submits that the informant has, in the past, made baseless and frivolous complaints against the applicant with an intent to harass him. The instant FIR has been filed out of malice and due to business rivalry, as the applicant, along with one Reshma Bansode-formerly employed by the informant, has commenced an independent business venture in the same field, which has caused resentment to the informant. Prior to the registration of the present FIR, a complaint had been submitted by the informant at Samata Nagar Police Station on 15 January 2025, to which the applicant had duly responded via a written reply dated 31 January 2025. Despite such clarification, the informant proceeded to lodge the present FIR, which is nothing but a

continuation of the malafide attempt to settle business scores.

4. According to the learned Counsel, the allegations in the FIR that 8 portable toilets and 3 safety tanks were misappropriated is wholly unfounded and devoid of substance, particularly in light of the fact that the company's inventory undergoes an annual audit by a professional auditor. Even as per the FIR, the alleged incident came to light on 30 March 2024; however, the FIR was registered belatedly on 5 July 2025, without any cogent explanation for the delay. Furthermore, the claim that threats were issued by the applicant on 30 March 2024 remains unsupported, as no contemporaneous complaint was lodged nor any action taken at the relevant time. The learned Counsel also submits that the applicant had already surrendered the laptop and SIM card at the time of his termination. During the course of investigation, the applicant has produced his own and his mother's bank statements, which do not reflect any suspicious or incriminating transactions, thereby negating any inference of wrongful gain or criminal intent.

5. The learned Additional Public Prosecutor representing the respondent/State, submits that the applicant has misappropriated funds belonging to the informant's company. The applicant through deceitful and fraudulent means, has caused significant financial loss to the informant's business, constituting offences punishable under the relevant provisions of the Indian Penal Code. The learned APP also apprises this Court that the investigation is at an advanced stage and is nearing completion, with the sole remaining aspect being the recovery of the amount misappropriated in the course of the crime.

6. Upon perusal of the record, it appears that there is an inordinate and unexplained delay in lodging the present FIR. It *prima facie* appears that the present applicant, during the course of her employment with the informant, which allegedly resulted in the informant's client threatening to impose penalties and withhold contractual payments. Owing to such lapses, the informant appears to have formed a suspicion that the applicant, in collusion with Ms Reshma Bansode, who is stated to have subsequently established a competing business entity, had acted to the detriment of the informant's business interest.

Consequently, the applicant was terminated from service.

7. It further appears that the allegations pertain to the documentary evidence, which are already in possession of the investigating agency. It is not in dispute that the inventory of the informant's company is subject to periodic audits conducted by qualified auditors. The alleged misappropriation is stated to have been discovered on 30 March 2024, whereas the FIR has been lodged belatedly on 5 July 2025. Furthermore, the learned APP has candidly acknowledges that, except for the recovery of the allegedly misappropriated amount, the investigation is almost complete.

8. Considering the nature of the allegations, the material collected thus far, and the stage of investigation, this Court finds it just and proper to allow the present application. Accordingly, the application is allowed and the following order is passed:

ORDER

(i) In the event of the applicant's arrest in CR No. 563 of 2025, registered at Samata Nagar Police

Station, 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 indulge in any activities that may tamper with the evidence or influence witnesses.

9. The application stands disposed of accordingly.

[R. N. Laddha, J.]