

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

Anticipatory Bail Application No.2251 of 2025

1. Akilesh Rambabu Gupta
Age: 31 yrs, Occ : Service,
R/of 202, Elcid Apartment,
Dr AmbedkarRoad, Bandra West,
Mumbai-400 050

2. Wasim Chand Khan
Age: 42 yrs, Occ: Service
R/of Room No.12, Dewka Aai
Niwas, HB Gawde Marg, Juhu
Koliwada, Santacruz West,
Mumbai-400 050

... Applicants.

Vs.

The State of Maharashtra
At the instance of Sr Inspector
of Police, Nerul Police Station,
Through Public Prosecutor

... Respondent.

**Along with
Anticipatory Bail Application No.2249 of 2025**

1. Vikash Singh
2D, 1001, New Mhada Towers,
Swami Samarth Nagar,
Lokhandwala Circle, Andheri
West, Mumbai.

Vs.

State of Maharashtra
Through Public Prosecutor,
High Court, Representing
Nerul Police Station, Navi
Mumbai.

... Respondent.

**Along with
Intervention Application No.3104 of 2025
In
Anticipatory Bail Application No.2249 of 2025**

1) Arun Namdev Gaikwad
Age: 52 yrs, Occ: Business.

2) Namdev Bhagaji Gaikwad
Age: 85 yrs, Occ: Retired,
Both are residing at 102, Saisagar CHS,
near Om Mandir, Plot No.8/10,
Sector-23, Juinagar,
Navi Mumbai-400 705.

Interveners/
... First informant.

IN THE MATTER BETWEEN:

1. Akilesh Rambabu Gupta
Age: 31 yrs, Occ :Service,
R/of 202,Elcid Apartment,
Dr AmbedkarRoad, Bandra West
Mumbai-400 050

2. Wasim Chand Khan
Age: 42 yrs, Occ: Service
R/of Room No.12, Dewka Aai
Niwas, HB Gawde Marg, Juhu
Koliwada, Santacruz West,
Mumbai-400 050.

3. Vikas Upadhyay

Age: 30 yrs, Occ : Service

R/of Flat no.202,

Elcid Apt, Dr Ambedkar Road,

Palinaka Bandra West,

Mumbai- 400 050.

... Applicants.

Vs.

The State of Maharashtra

At the instance of Sr Inspector

of Police, Nerul Police Station,

Through Public Prosecutor

... Respondent.

Mr Vinod Gangwal a/w Abhishek Mishra and Shubham Singh for the applicants.

Mr MG Patil, APP for the respondent / State in ABA/2251/2025.

Mr Arfan Sait, APP in ABA/2249/2025.

Mr Prakash Wagh for interveners.

PI Pankaj Dhadage, Nerul Police Station, Navi Mumbai.

Coram : R.N.Laddha, J.

Date : 21 August 2025.

P.C. :

By these applications preferred by the applicants under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 seeking protection in the form of anticipatory bail in connection with Crime No. 728/2024 registered at

Nerul Police Station, Navi Mumbai, for offences punishable under Sections 120-B, 323, 420, 465, 506 read with Section 34 of the Indian Penal Code, 1860.

2. I have heard the learned counsel for the applicants, the learned APP, and the informant. I have perused the FIR, case diary, and the relevant material placed before me.

3. The prosecution alleges inducement, misrepresentation, and siphoning of an amount of Rs. 39,48,000/- by use of forged documents, as also threats extended to the informant and his father. The informant contends that records relating to property were taken under the pretext of financial assistance and that funds were channelled into accounts of different entities.

4. The applicants, on the other hand, contend that the transaction arises essentially from financial dealings between private parties; that no custodial interrogation is warranted; that they are permanent residents with roots in society; and that arrest is not necessary to facilitate investigation. Reliance is placed on the judgments of the Supreme Court in *Thulia Kali Vs The State of Tamil Nadu, (1972)3 SCC*

393; Gurbaksh Singh Sibbia & Ors. Vs. State of Punjab, (1980)SCC (Cri)465, and DN Rao Vs. The State (Orissa High Court), 2001 Crimes-3-409, Lal Kamendra Pratap Singh Vs State of UP, 2010 ALL MR (Cri.) 2030; Sukhwant Singh & Ors. Vs State of Punjab, 2010 CrLJ 1435; Chandraswami Vs. CBI, Cri.Appeal No.1912/1996 SC; Siddharam Satlingappa Mhetre Vs. State of Maharashtra, Cri. Appeal No.2271/2010 (SC); Jogiinder Kumar Vs. State of UP, WP (Cri.)No.9 /1994 SC; Harsh Sawhney Vs Union Territory Chattisgarh (Cri.) 110/ 1978, which lay down that arrest should not be made in a routine manner and that anticipatory bail is the rule rather than the exception.

5. On consideration of the rival submissions, it appears that though the FIR discloses allegations of financial impropriety and inducement, the material so far collected is substantially documentary in nature. The alleged financial transactions are traceable through banking records, and the necessary evidence can be secured without subjecting the applicants to custodial interrogation.

6. The contention that the matter is entirely civil cannot be accepted at this stage; nevertheless, the nature of the

accusations does not justify pre-trial incarceration. The applicants have expressed their willingness to cooperate with the investigation, to remain present before the Investigating Officer as and when called, and to abide by stringent conditions.

7. It is well settled that personal liberty is a cherished right protected under Article 21 of the Constitution of India. Unless custodial interrogation is shown to be indispensable, arrest should be avoided. The Investigating Officer is fully empowered to interrogate the applicants, secure documents, and investigate the money trail even while the applicants remain on protective bail.

8. In these circumstances, and balancing the rights of the applicants with the need for a fair investigation, I am of the view that the applicants are entitled to the relief of anticipatory bail.

ORDER

(a) The Anticipatory Bail Application Nos. 2251/2025 and 2249/2025 are hereby allowed.

(b) In the event of arrest of the applicants

in connection with Crime No.728/2024 registered at Nerul Police Station, Navi Mumbai, they shall be released on bail on executing a personal bond of Rs.25,000/- each with one or more solvent sureties in the like amount.

(c) The applicants shall attend the concerned Police Station as and when called, and shall cooperate with the investigation.

(d) The applicants shall not tamper with prosecution evidence or influence witnesses.

(e) The applicants shall furnish their residential addresses to the Investigating Officer and shall not leave India without prior permission of the Court.

(f) The Investigating Officer shall be at liberty to seek cancellation of bail in case of breach of any of the above conditions.

9. The anticipatory bail applications are accordingly disposed of. As a sequel, the pending interim application

also stands disposed of.

[R. N. Laddha, J.]