

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

Anticipatory Bail Application No.2365 of 2025

Dilip Shantilal Jain
Age:41 Years, Occ- Business,
R/at: 12/B, Block No.301,
Ashok Nagar, Kalyan Road,
Bhiwandi 421302.

... Applicant

versus

The State of Maharashtra
(At the instance of the Senior PI,
Shanti Nagar Police Station, Thane.
Vide CR No.714/2025)

... Respondent

Mr Aniket Nikam, along with Mr Shrya Anuwal i/by Amit
Icham, for the applicant.
Mr Balraj Kulkarni, APP, for the respondent/ State.

**Coram: R.N. Laddha, J.
Date: 26 August 2025.**

P.C.:

By this application, the applicant seeks pre-arrest bail in connection with CR No.714 of 2025, registered at Shantinagar Police Station, Thane City, for offences punishable under Sections 308(2) read with 3(5) of the Bharatiya Nyaya Sanhita, 2023.

2. The prosecution alleges that on 3 May 2025, the informant met the applicant, who, along with the co-accused,

showed the informant fraudulent Aadhar cards and a salary slip in his name, demanded Rs.50,00,000/-, and threatened to file a police complaint. Despite the informant's refusal, the applicant filed a false complaint against him on 5 May 2025, alleging theft of a mobile and a laptop. The applicant continued to threaten and demand money, eventually reducing the demand to Rs.8,00,000/-.

3. Mr Aniket Nikam, the learned Counsel appearing on behalf of the applicant, contends that the present FIR has been lodged with a malicious intent merely to avoid repayment of a genuine financial debt. The accusations are vague, lacking specificity, and appear to be general and unsubstantiated. He points out the unexplained and inordinate delay in the registration of the FIR, which raises serious doubts regarding the credibility and *bona fides* of the prosecution's case. Mr Nikam fairly acknowledges that the applicant has four criminal antecedents– of which he has been acquitted in two, one has been closed due to insufficient evidence, and one remains pending. The learned Counsel further submits that no recovery or discovery is to be made from the applicant in relation to the alleged crime, and the co-accused has been granted anticipatory bail. He maintains that the applicant is innocent and has been falsely implicated in the crime. The applicant has expressed his

readiness and willingness to adhere to any condition imposed by this Court.

4. Mr Balraj Kulkarni, the learned Additional Public Prosecutor representing the respondent/ State, opposing the applicant's request for pre-arrest bail, contends that the offence is of a serious nature. The learned APP submits that the applicant, along with the co-accused, demanded Rs.10,00,000/- from the informant and threatened him with severe repercussions if the demands were not fulfilled. Although the investigation has nearly concluded, the learned APP expresses concern about evidence tampering and witness influence if the applicant is granted pre-arrest bail.

5. In the present case, it appears that the applicant is accused of colluding with the co-accused of threatening the informant into reporting the execution of forged documents, including a fake Aadhar card and fabricated salary slips, and demanding money from the informant to prevent legal action. A bare perusal of the record, particularly the contents of the FIR, reveals that no money was ever transferred by the informant to the applicant. Aside from the unsupported claim of a monetary demand, *prima facie*, there is no material on record suggesting that the applicant committed the alleged crime. Notably, the alleged incidents occurred in May 2025; however, the

informant reported the crime only in June 2025. The co-accused has already been granted pre-arrest bail, and nothing remains to be recovered or discovered from the applicant. Furthermore, the investigation is almost complete. The prosecution's concern about potential tampering of evidence and exerting influence over witnesses can be mitigated by imposing suitable conditions. Considering the nature of the allegations and the material placed on record, this Court finds it appropriate to exercise its discretion in favour of the applicant. Hence, the following order:

ORDER

- (i) In the event of the applicant's arrest in CR No.714 of 2025, registered at Shantinagar Police Station, Thane City, 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 until the filing of the charge sheet.
- (iii) The applicant, himself or through any person, shall not tamper with the evidence or influence witnesses.

6. The application stands disposed of accordingly.

(R.N. Laddha, J.)