

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 2553 OF 2025

Munnawar A. Pathan

...Applicant

V/s.

The State of Maharashtra

...Respondent.

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Adv Sabirali Y. Sayyed a/w. Adv. Babar A. Shaikh for the Applicant.

Mrs. R.D. Humane, APP for the Respondent/State.

PSI Ajay N. Pawar, Mulund Police Station present.

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CORAM : N.R. BORKAR, J.

DATE : 06.10.2025.

P.C. :

1. This is an application for anticipatory bail.
2. The applicant is apprehending his arrest in Crime No. 546 of 2025 registered at Mulund Police Station, Mumbai for the offences punishable under Section 420 read with 34 of the Indian Penal Code (IPC).
3. According to the prosecution, the present applicant promised the first informant to get allotted a government tender in his favour, pertaining to the sale of automatic fire extinguisher machines of Redmatic Brand. For the said purpose, initially the applicant and co-accused lured the first informant to purchase the distributionship of the said Brand and thereafter induced him to pay a total amount of Rs.68,34,140/- to procure the said tenders.

4. I have heard Mr. Sabirali Sayyed, learned counsel appearing for the applicant, Ms R.D. Humane, the learned APP for the respondent / State and Mr. Parth H. Vyas, the learned counsel for the first informant.

5. Learned counsel for the applicant submits that there is a delay in lodging the first information report. It is submitted that according to the first informant, a sum of Rs. 68,34,140/- was paid between 4th June 2021 and 4th August 2022, however, the FIR was lodged after a delay of approximately three years. It is submitted that the dispute between the parties is of civil nature. It is submitted that there is no need of custodial interrogation and the applicant is ready to cooperate in the investigation.

6. Learned APP for the respondent/State and the learned counsel for the first informant submit that the applicant has defrauded the first informant to the tune of Rs.68,34,140/-. It is submitted that the applicant is involved in one more crime of cheating and has not disclosed the said criminal antecedent in the present application. It is submitted that considering the nature of crime, the applicant may not be released on anticipatory bail.

7. I have perused the first information report. There is delay of about 3 years in lodging the first information report. *Prima facie*, the dispute between the parties appears to be of civil nature. Considering the overall facts and circumstances, I am inclined to release the applicant on anticipatory bail. In the result the following order is passed.

ORDER

- A) The Application is allowed.
- B) In the event of arrest of the applicant in Crime No. 546 of 2025 registered at Mulund Police Station, Mumbai for the offences punishable under Section 420 read with 34 of the Indian Penal Code, he be released on bail on executing P.R. Bond in the sum of Rs.25,000/- with one surety or two sureties in the like amount.
- C) The applicant shall attend the concerned police station as and when called by the Investigating Officer and shall cooperate with the investigation.

[N.R.BORKAR, J.]