IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.2626 OF 2025

Somya Karan Bothara w/o. Karan Bothara …Applicant
Versus
The State of Maharashtra & Anr. …Respondents

Mr. Parvez Memon a/w. Mr. Chirag Naik, Ms. Vaijayanti S., Mr. Ashish Mishra i/b. MZM Legal, for the Applicant.
Mr. C. D. Mali, APP, for the Respondent-State.
Mr. Saket Mone a/w. Ms. Anchita Nair, Mr. Archit Sai M. i/b. Vidhiii Partners, for the Respondent No.2.
Mr. D. M. Waghmare, API, attached to EOW, Pune, present.

CORAM: MADHAV J. JAMDAR, J.
DATED : 23rd SEPTEMBER 2025

PC:-

1. Heard Mr. Parvez Memon, learned Counsel appearing for the Applicant, Mr. Mali, learned APP appearing for the Respondent No.1-State and Mr. Mone, learned Counsel appearing for the Respondent No.2.

2. This application is filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 **(“BNSS”)** seeking pre-arrest bail in connection with C.R. No.1009 of 2024 registered with Chaturshringi Police Station, Pune (transferred to Economic

Offences Wing, Pune, for the offences punishable under Sections 316(2), 316(5) and 318(4) of the Bhartiya Nyaya Sanhita, 2023 ("**BNS**").

3. The learned Additional Sessions Judge, Pune by order dated 4th August 2025 has rejected the Criminal Bail Application No.1452 of 2025 filed by the Applicant. The prosecution case is set out in the paragraph Nos.4 to 11 by the learned Sessions Judge in the said order dated 4th August 2025, which reads as under:

> "***Brief facts of brief prosecution case are as under:***
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> *4. Complainant Navin Agarwal, Director of Purple Construction Ltd. lodged complaint that, he along with his brother Shrawan Agarwal running Real Estate Company at Pune. Manisha Agarwal is wife of his brother Shrawan Agarwal. Co-accused Somya Bothara is friend of Manisha Agarwal. Shrawan Agarwal got acquainted with Somya Bothara through his wife Manisha Agarwal.*
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> *5. It is further contended that, Somya Bothara told that, her husband Karan Bothara is having business of Steel and Metal and he is getting huge profit in the said business. In the month of March 2023 Karan Bothara met with Shrawan Bothara in one program. He introduced his business to Shrawan Agarwal. He told to Shrawan Agarwal to invest amount in the said business and he will give handsome profit. Accordingly, in the month of*

March 2023 Shrawan Agarwal decided to invest amount in the business of Karan Bothara.

6. It is further contended that, initially Shrawan Agarwal, in the month of April 2023 to May 2023 invested Rs.5,00,00,000/- in the said business. The accused Karan Bothara had given assurance of profit and given two cheques of Rs.5,00,00,000/- and Rs.2,25,00,000/- to his brother.

7. It is further contended that, thereafter the accused Karan Bothara constrained his brother to invest Rs.10,50,00,000/- in the month of July 2023 to August 2023 by saying that, there is huge profit in the business and given two cheques of validity of three months. He had given one cheque of Rs.8,00,00,000/- and second cheque of Rs.3,60,00,000/-, total Rs.11,60,00,000/-.

8. It is further contended that, initially his brother had invested Rs.5,00,00,000/- and accused had given assurance that, he will give profit of Rs.6,25,00,000/-. Accordingly, cheques were given and told his brother do not withdraw the said amount, I will give huge profit on the said amount. Thereafter, the accused in the month of September 2023 to October 2023 refunded amount of Rs.2,75,00,000/- by way of RTGS. Again accused told the brother of complainant do not withdraw the amount, I will give huge profit. Then he had given cheque of Rs.26,00,00,000/-, dated 20/01/2024. Thereafter, when the brother of complainant asked about the money, accused had refund of Rs.45,00,000/- by way of NEFT. Accused had given assurance of Rs.26,00,00,000/- and given cheque to that effect. However the accused had not paid amount to the brother of complainant. Therefore, accused had given assurance to his brother that he will pay Rs.26,00,00,000/- to his *brother. Accordingly, on 25/06/2024 one declaration-cumundertaking was executed. The accused had given two cheques of Rs.5,00,00,000/-, dated 10/08/2024 and one cheque of Rs.16,00,00,000/-, dated 10/09/2024.*

9. It is further contended that, in the month of August 2024 accused met with the brother of complainant and told to deposit three cheques in the month of September 2024. Thereafter accused told that, he will transfer amount on 25/09/2024 by way of RTGS. However, he had not repaid the amount by way of RTGS. Thereafter, complainant and his brother by way of e-mail dated 27/09/2024 informed the accused that, they are going to present cheques in the bank. The cheques were in the concerned bank. The cheques returned back with an endorsement i.e. 'stop payment' and dishonored the same.

10. It is further contended that, the complainant from time to time met with the accused. The accused had given assurance that, he will repay amount till 05/12/2024. However, he had not repaid the amount.

11. It is further contended that, the complainant, since the month of March 2023 invested Rs.15,50,00,000/-. Accused had returned Rs.3,20,00,000/- to give confidence to the complainant for refund of amount. However amount of Rs.26,00,00,000/- had not returned as per assurance given by the accused. Therefore, the complainant lodged complaint."

4. It is the submission of Mr. Parvez Memon, learned Counsel appearing for the Applicant that the Applicant has not been made accused in the FIR and the major role is attributed to the accused-Karan Bothara, who is husband of the Applicant. It is his further submission that the Applicant is not involved in the crime and that all the transactions were looked after by the husband of the Applicant and that the Applicant is not involved in the crime.

5. On the other hand, Mr. Mali, learned APP appearing for the Respondent No.1-State and Mr. Mone, learned Counsel appearing for the Respondent No.2 strongly oppose the granting of pre-arrest bail. It is their submission that the Applicant is involved in the crime and that there are two antecedents against the Applicant and therefore, the Anticipatory Bail Application be rejected.

6. Mr. Parvez Memon, learned Counsel states that as far as the antecedents are concerned, the same are disclosed in the Anticipatory Bail Application and the Applicant has been protected in these case.

7. As far as the accused-Karan Bothara, husband of the Applicant is concerned, he has already been arrested in some other case and he has filed affidavit voluntarily stating that he will pay certain amount.

8. Learned Counsel appearing for the Applicant submits that the Applicant will completely co-operate with the investigation.

9. Accordingly, the case is made out for grant of Anticipatory Bail. In view thereof, the following order is passed:

ORDER

(a) In the event of arrest of the Applicant- Somya Karan Bothara in connection with C.R. No.1009 of 2024 registered with Chaturshringi Police Station, Pune (transferred to Economic Offences Wing, Pune), the Applicant is directed to be released on bail on her furnishing P.R. Bond in the sum of Rs.2,00,000/- with one or two solvent sureties in the like amount.

(b) The Applicant shall attend the concerned Police Station on 6th October 2025, 7th October 2025 and 8th October 2025 between 11:00 a.m. to 02:00 p.m. and shall cooperate with the investigation. In addition, the Applicant shall attend the concerned Police Station as and when called.

(c) The Applicant shall furnish her cell phone number and residential address to the Investigating Officer and shall keep the same updated, in case of any change thereto.

(d) The Applicant shall not directly or indirectly make any inducement, threat, or promise to any person acquainted with the facts of the case so as to dissuade such a person from disclosing the facts to the Court or to any Police personnel.

(e) The Applicant shall not tamper with the prosecution evidence and shall not contact or influence the Complainant or any witness in any manner.

(f) The Applicant shall surrender her Passport with the Investigating Officer.

(g) The Applicant shall not leave India without prior permission of the Court.

10. The Anticipatory Bail Application is disposed of accordingly.

[MADHAV J. JAMDAR, J.]

SONALI MILIND PATIL

Digitally signed by SONALI MILIND PATIL
Date: 2025.09.23 19:09:36 +0530