

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

ANTICIPATORY BAIL APPLICATION NO. 2699 OF 2025

Moses Francis Chinappa

...Applicant

V/s.

The State of Maharashtra and Anr.

...Respondents

Dr. Shirish Gadge, a/w Mr. Tanmay P. Bidkar, Advocate for the Applicant.

Mr. B. V. Holambe, APP for the Respondent/State.

Mr. Karansingh Rajput, Advocate for the Respondent No.2-first informant.

CORAM : N.R. BORKAR, J.
DATE : 10.10.2025.

P.C. :

1. This is an application for Anticipatory Bail.
2. The applicant is apprehending his arrest in Crime No. 270 of 2025 registered at Mira Road Police Station, for the offences punishable under Sections 316(2) & 318(4) of the Bharatiya Nyaya Sanhita, 2023.
3. It is the case of the prosecution that in October 2022, the present applicant and other co-accused had induced the first informant and her husband to invest money in their dry fruits business and promised to return the said amount with an interest at the rate of 5 to 10 percent on monthly basis. It is alleged that, on the basis of the said inducement, the husband of the first informant borrowed a business loan from Saraswat Bank and invested a total amount of Rs. 66,00,000/- in the business of the present applicant and other co-accused. Thereafter, till July 2024,

the first informant's husband received Rs.7,00,000/- as interest on 16.03.2025 the husband of the first informant expired. Till date the applicant and other co-accused have failed to repay the principal amount of Rs.66,00,000/- to the first informant.

4. I have heard the learned counsel for the applicant, learned APP for the respondent-State and the learned counsel for the respondent-first informant.

5. The learned counsel for the applicant submits that the applicant is also the victim of co-accused Niraj Khandelwal. It is submitted that the applicant was also induced by him to invest in his business as such he invested a total amount of Rs.3,79,00,000/-. It is submitted that the applicant was thus required to lodge the report against him, on the basis of which the police registered Crime No. 259 of 2025 against the co-accused Niraj Khandelwal. It is further submitted that, in the present crime, the main allegations are against the co-accused Niraj Khandelwal and that the entire amount was deposited in the bank account of the said co-accused. The learned counsel submits that there is no need of custodial interrogation and the applicant is ready and willing to co-operate in the investigation.

6. On the other hand, the learned APP for the respondent-State submits that considering the nature of the crime, the applicant may not be released on anticipatory bail. The learned counsel for the respondent-first informant submits that the FIR is not registered as per the version of the first informant, and in support of this, he has drawn my attention to the statement recorded by the Mira Road police station dated 21.04.2025. It is

submitted that in the said statement, specific allegations were made against the present applicant in relation to the inducement and cheating. As regards the FIR lodged by the applicant against the co-accused Niraj Khandelwal, the learned counsel for the first informant submits, that the same is lodged after two months of lodging of the FIR by the first informant, just to create defense.

7. I have perused the First Information Report. The entire amount was deposited in the bank account of co-accused Niraj Khandelwal. At this stage, I am not inclined to accept the submissions of the learned counsel for the first informant that the applicant had lodged the FIR against the co-accused Niraj Khandelwal just to create defense. 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 connection with Crime No. 270 of 2025 registered at Mira Road Police Station, for the offences punishable under Sections 316(2) & 318(4) of the Bharatiya Nyaya Sanhita, 2023, the applicant be released on bail on furnishing P.R. Bond in the sum of Rs. 25,000/- with one 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 co-operate in the investigation.

[N.R.BORKAR, J.]