

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 3433 OF 2025

Sanjay M. Bhagchandani ...Applicant
V/s.
The State of Maharashtra ...Respondent.

WITH
ANTICIPATORY BAIL APPLICATION NO. 3440 OF 2025

Amar R. Chawariya ...Applicant
V/s.
The State of Maharashtra ...Respondent.

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Mr. Advait U. Shukla a/w. Adv. Ranjeet Ade, Adv. Rajesh Shinde and
Adv. Amandeep Singh Sra for the Applicants.
Mrs. A.A. Deshmukh, APP for the Respondent/State.
Mr. Pranav Bhadeka, Sr. Advocate a/w. Mr. Rutvij Solanki,
Adv.Prathmesh Bhosale i/b Adv. Swapnil Wagh for the Intervener
No.1/First Informant.
Ms Gayatri Gokhale for Intervener No.2.
PSI Rohan Surve, Andheri Police Station is present.

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CORAM : N.R. BORKAR, J.
DATE : 15.12.2025.

P.C. :

1. Both these applications for anticipatory bail are arising out of one and the same crime. They are thus being disposed of by this common order.
2. The applicants are apprehending their arrest in Crime No.746 of 2025 registered at Andheri Police Station for the offences punishable under Sections 3(5), 336(2), 338 and 340(2) of the Bharatiya Nyaya Sanhita, 2023 (BNS).

3. It is alleged that with an intention to extort money from the first informant, the present applicant and other co-accused prepared forged MOU and payment receipts bearing forged signatures of the first informant purporting to be in respect of certain financial transaction and on that basis lodged a false crime against the informant.

4. I have heard the learned counsel appearing for the applicants, the learned APP for the respondent / State so also the learned senior advocate for the first informant and the learned counsel for the intervener.

5. Learned counsel for the applicants has drawn my attention to the FIR lodged by the applicant - Sanjay in ABA No.3433/2025 against the present first informant and one Ariba Aadil Shaikh. In the said FIR, the applicant - Sanjay has alleged that the present first informant and Ariba Shaikh have defrauded him to the tune of RS.2,17,85,000/-. In support of the said FIR, during the course of investigation alleged forged MOU was produced. The Applicant in Anticipatory Bail Application No.3440 of 2025 is attesting witness on the said MOU. Learned counsel for the applicants submits that though in the said crime, closure report came to be filed against the first informant by observing that the said MOU appears to be suspicious document, however, it is submitted that the applicant - Sanjay has filed the objection to the said closure report and the same is still pending. Learned counsel for the applicants submitted that there is no need of custodial interrogation and the applicants are ready and willing to cooperate in the investigation.

6. On the other hand, my attention is drawn to order dated 24th May 2024 passed by the Sessions Court in ABA No. 655 of 2024 filed by the present applicant - Sanjay in the crime registered on the basis of report lodged by Ariba Shaikh for the offence of rape. The learned senior counsel for the first informant submits that in the said order, it is recorded that amount of Rs.2,38,00,000/- was paid to Ariba Shaikh and not to the present first informant. Apart from it, my attention is also drawn to the MOU and the extract of the notary register to show that the MOU is forged one. It is submitted that considering the nature of crime, custodial interrogation of the applicants is necessary to recover the original MOU. It is therefore, submitted that the applications may be rejected.

7. I have perused the material on record. There appears to be certain financial transactions between the parties. The objection filed by applicant-Sanjay to the closure report is still pending. Considering the overall facts and circumstances of the case, I am inclined to release the applicants on anticipatory bail. In the result, the following order is passed.

ORDER

A) The Applications are allowed.

B) In the event of arrest of the applicants in C.R. No.746 of 2025 registered at Andheri Police Station for the offences punishable under Sections 3(5), 336(2), 338 and 340(2) of the Bharatiya Nyaya Sanhita, 2023 (BNS), they be released on bail on executing P.R. Bond in the sum of Rs.25,000/- each with one surety or two sureties in the like amount.

C) The applicants shall attend the concerned police station as and when called by the Investigating Officer and shall cooperate in the investigation.

[N.R.BORKAR, J.]