

Shabnoor

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

BAIL APPLICATION NO.947 OF 2025

Akhileshkumar Ramlakhan Shukla	... Applicant
V/s.	
State of Maharashtra	... Respondent

**WITH
INTERIM APPLICATION NO.1734 OF 2025**

Venkartao S. Jadhav	... Applicant
In the matter between	
Akhileshkumar Ramlakhan Shukla	... Applicant
V/s.	
State of Maharashtra	... Respondent

Mr. M. Oak a/w Mr. Sameer Hatle, for the applicant.

Mrs. Megha S. Bajoria, APP for the State – respondent.

Mr. Sanjeev Kadam, Sr. Advocate, a/w Prashant Raut
with Swaraj Mhadgut and Varsha Thorat for the
Intervener.

CORAM : AMIT BORKAR, J.

DATED : AUGUST 13, 2025

P.C.:

1. The present bail application has been filed by the applicant under Section 439 of the Code of Criminal Procedure, 1973, seeking his release in connection with Crime Register No. 257 of 2023 registered with Badlapur Police Station. The applicant is facing charges for offences punishable under Sections 420, 406,

465, 467, 468, and 471 of the Indian Penal Code, 1860.

2. According to the prosecution, between 31 December 2020 and 1 October 2023, the applicant–accused allegedly induced the informant to execute sale deeds in respect of four flats valued at ₹1,36,00,000/- on the pretext that such execution was necessary for facilitating the release of a blocked sum of ₹12 crores lying with a bank. It is alleged that despite obtaining the said sale deeds, the applicant did not pay any consideration amount to the informant. Further, without obtaining the consent of the informant, the applicant is alleged to have sold those very four flats to one Tanish Kirtikumar Jain for ₹86,30,000/-. Thus, the informant claims to have been cheated to the extent of ₹1,36,00,000/-. On the basis of the complaint lodged by the informant, the present FIR came to be registered. The applicant had earlier approached the learned Sessions Court for bail, but his application was rejected. Being aggrieved, he has now approached this Court.

3. The learned Advocate for the applicant submits that the dispute between the parties is essentially civil in nature, relating to the transfer of property and alleged non-payment of consideration. According to him, the matter has been given a criminal colour by labelling it as an offence against society. The principal allegation is that the applicant obtained execution of four sale deeds in respect of the flats valued at ₹1,36,00,000/- from the informant under the pretext of releasing a blocked bank amount of ₹12 crores, and thereafter sold those flats without consent. The learned counsel submits that whether such conduct constitutes a criminal offence is

an issue to be determined during trial, not at the bail stage.

4. It is further submitted that during the pendency of this application, the applicant and the informant have amicably resolved the dispute. In support of this, reliance is placed on an affidavit/undertaking sworn by the applicant, forwarded through the Superintendent of the concerned prison. In the said affidavit, the applicant has undertaken to hand over possession of the four flats as specified in paragraph (A) of the affidavit, and further agreed to cancel the four sale deeds executed on 31 December 2020 within four weeks from the date of the order of this Court. It is submitted that, in view of the amicable settlement, the applicant deserves to be released on bail.

5. The learned Senior Advocate for the complainant submits that the complainant has no objection to the grant of bail, provided the applicant strictly complies with the terms of the undertaking filed before this Court. It is further submitted that such undertaking should be treated as binding upon the applicant.

6. On the other hand, the learned APP has opposed the bail application, submitting that although the transaction appears to involve private parties, the gravity of the alleged acts and the nature of the deception render the offence one against society at large. According to him, such conduct affects public confidence in property transactions and financial dealings, and therefore the applicant does not deserve to be released on bail.

7. I have considered the rival submissions, the material on record, and the nature of allegations. The offences alleged are

serious in nature and attract penal provisions under Sections 420, 406, 465, 467, 468, and 471 of the IPC. However, it is also to be noted that the allegations primarily arise from a transaction relating to execution and transfer of immovable property, where the core dispute revolves around consideration and subsequent sale of flats. Though the prosecution has given it a criminal colour, the transaction is substantially of a commercial and civil nature. Whether the intention to cheat existed at the inception of the transaction, or whether it is a case of breach of contract, is a matter which can only be determined at the stage of trial after appreciation of evidence.

8. The FIR and the charge-sheet material show that the primary evidence is documentary in nature, including the sale deeds, bank records, and title documents of the flats. These are already in the custody of the investigating agency. No further custodial interrogation of the applicant has been shown to be necessary at this stage. The investigation appears to be complete, and the charge-sheet has been filed. Therefore, continued detention of the applicant is not warranted merely for the purpose of trial.

9. It is also an admitted position that during the pendency of this application, the parties have arrived at an amicable settlement. The applicant has filed a duly sworn affidavit/undertaking stating that he will hand over possession of the four flats to the informant and will cancel the sale deeds executed on 31 December 2020 within four weeks from the date of this order. The complainant, represented by his learned Senior Advocate, has expressly stated before this Court that he has no objection to the grant of bail,

subject to strict adherence to the said undertaking. This factor significantly reduces the apprehension of further prejudice to the complainant.

10. Having regard to the overall facts, the nature of the evidence, the settlement between the parties, the undertaking given by the applicant, and the fact that the trial is likely to take considerable time to conclude, I am of the view that the applicant can be released on bail by imposing stringent conditions to secure the interests of justice .

11. Hence, the following order:

(i) The Bail Application is allowed.

(ii) The applicant shall be released on bail in connection with Crime Register No. 257 of 2023 registered with Badlapur Police Station for offences punishable under Sections 420, 406, 465, 467, 468, and 471 of IPC, upon furnishing a Personal Bond of ₹50,000/- (Rupees Fifty Thousand only) along with one or more solvent sureties in the like amount, to the satisfaction of the learned Trial Court, subject to the following conditions:

(a) The applicant shall not tamper with evidence, or directly or indirectly contact, influence, threaten, or intimidate any witness.

(b) The applicant shall attend all proceedings before the Trial Court regularly, unless exempted by the Court on valid grounds supported by sufficient cause.

(c) The applicant shall report to the Badlapur Police Station on the first Monday of every month between 10.00 a.m. and 12.00 noon, until further orders.

(d) The applicant shall not leave the territorial jurisdiction of the State of Maharashtra without prior written permission of the Trial Court.

(e) The applicant shall not commit any offence or engage in any criminal activity during the pendency of the trial.

(f) The applicant shall, at the time of furnishing surety, provide his current residential address and mobile number to the Investigating Officer as well as the Trial Court, and shall inform the Court in writing of any change in residence or contact details during the pendency of the case.

12. The Bail Application is accordingly disposed of.

13. In view of disposal of the present bail application, nothing remains to be adjudicated in the interim application. Hence, the interim application stands disposed of.

(AMIT BORKAR, J.)