

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

ANTICIPATORY BAIL APPLICATION NO.2166 OF 2025

Essa Ismail Merchant

... Applicant

V/s.

State of Maharashtra

... Respondent

**WITH
INTERIM APPLICATION NO.3019 OF 2025
IN
ANTICIPATORY BAIL APPLICATION NO.2166 OF 2025**

Mr. Satish Muley a/w Mosin Naik a/w Zhoai Sayyed for the Applicant.

Mr. B. V. Holambe Patil, APP for the Respondent-State.

Mr. Pradyumna Waghmare for the first informant in IA No.3019 of 2025.

API Lalasaheb Dake, Ghatkopar PS is present.

CORAM : N.R. BORKAR, J.

DATE : 10TH NOVEMBER 2025

P.C. :

1. This is an Application for anticipatory bail.
2. The Applicant is apprehending his arrest in Crime No.462 of 2025 registered with Ghatkopar Police Station for the offences punishable under Sections 3(5), 316(2), 318(4) of the Bharatiya Nyaya Sanhita, 2023.
3. It is the case of the prosecution that the complainant has an agency of Panasonic (Jaina) Mobile Company under the name of J. K. Enterprises. The Applicant is the owner of Advance Mobile Company who was appointed as the Super Stockist for the complainant's company in 2015. At that time, three security deposit cheques were issued in favour of Advance

Mobile Company. The said Panasoic Company, as per its policy of recalling unsold stocks, necessitated the complainant to raise claims in that respect with the Super Stockist. As such during the course of time, claim of Rs.13,87,147/- was raised, out of which only Rs.5,27,854/- was paid by Advance Mobile Company. The remaining amount of Rs.8,25,866/- was not paid to the complainant. Subsequently, Advance Mobile Company was removed as the Super Stockist of complainant company. Consequently, the Applicant fraudulently deposited one of the security deposit cheques issued previously by the complainant and the same was dishonoured for the sum of Rs.25,00,000/-. A dishonour notice was sent to the complainant, thereby alleging that the complainant had taken a supra loan of Rs.25,00,000/- from the Applicant and failed to repay the same. The allegations against the present Applicant are of misusing the cheques, which were given to the Applicant towards the security in relation to the transactions between them.

4. I have heard Learned Counsel for the Applicant, Learned APP for the Respondent-State and Learned Counsel for the first informant.

5. Learned Counsel for the Applicant submits that the present first information report against the present Applicant is nothing but a counter blast to the complaint case filed by the Applicant against the first informant under Section 138 of the Negotiable Instruments Act, 1881. It is submitted that there is no need of custodial interrogation and the Applicant is ready and willing to cooperate in the investigation.

6. On the other hand, Learned APP for the Respondent-State and Learned Counsel for the first informant submit that the cheques were issued towards the security. It is submitted that the Applicant has misused the said cheques. It is submitted that considering the nature of crime, the Applicant may not be released on anticipatory bail.

7. Before filing of the complaint case by the Applicant in 2016, a demand notice was issued to the first informant. The said demand notice was replied on 30th June 2016 and similar allegations were made in the said reply. However, no action was taken thereafter. The present first information report came to be lodged after filing of another complaint case by the Applicant against first informant. Considering the facts and circumstances of the case, I am inclined to release the Applicant on anticipatory bail. Hence, the following order:-

ORDER

- i. The Anticipatory Bail Application is allowed.
- ii. In the event of the arrest of the Applicant in Crime No.462 of 2025 registered with Ghatkopar Police Station for the offences punishable under Sections 3(5), 316(2), 318(4) of the Bharatiya Nyaya Sanhita, 2023, he shall be released on bail on furnishing a PR Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one or two sureties in the like amount.
- iii. The Applicant shall attend the concerned Police Station as and when called for by the investigating officer and shall co-operate in the investigation.

8. The Anticipatory Bail Application is disposed of in the aforesaid terms.
9. The Interim Application also stands disposed of.

(N.R. BORKAR, J.)