IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.3404 OF 2025

Karan Dilip Dhabaliya ...Applicant
Versus
State of Maharashtra ...Respondent

WITH
INTERIM APPLICATION NO.3323 OF 2025
IN
BAIL APPLICATION NO.3404 OF 2025

Shyam Kabadkar ...Applicant
Versus
State of Maharashtra ...Respondent

Mr.Raju Suryawanshi, *for the Applicant.*
Mr.Amardeep R.Bhattacharya, *for the Intervenor / Applicant in IA 3323/2025.*
Ms.Megha S. Bajoria, *APP for the Respondent - State.*
PI – Vilas Shelke, I.O. and PSI – Sunil Sonawane, Charkop Police Station, Mumbai, present.

CORAM DR. NEELA GOKHALE, J.
DATED: 22ND SEPTEMBER 2025

PC:-

1. By the present Application, Applicant seeks his release on bail in connection with C.R. No.255 of 2024 registered with Charkop Police Station for the offences

punishable under Sections 420, 465, 467, 468 read with Section 120-B of the Indian Penal Code, 1860.

2. The case of the prosecution as discerned from the FIR is that the complainant and his wife i.e. the Accused No.1 were joint owners of a flat. On 20th November, 2023, the complainant found a copy of the Special Power of Attorney registered at Joint Sub-Registrar, Borivali, Mumbai dated 07.06.2023 bearing registration No.12402/1/20/2023 authorizing the Attorney to execute, mortgage, etc. on his behalf in favour of his wife.

3. After going to through the said document, he also found biometric photographs of another person, false signatures, thumb impressions bearing the seal and signature of the Sub-Registrar. Thereafter, it transpired that the Applicant in conspiracy with other co-accused prepared and submitted false and fabricated letter head of the society and got sanctioning loan amount of Rs.3,10,00,000/- (Rupees Three Crores Ten Lakhs Only) as an Overdraft (O.D. Loan)

from Canara Bank, Mandvi Masjid Bandar Branch, Mumbai. It is alleged that he misappropriated the amount and committed the offence of cheating. On the basis of this complaint, the FIR was registered.

4. The Applicant preferred two successive bail applications before the Sessions Court at Dindoshi, Borivali Division, Goregaon Mumbai, but both the bail applications were rejected. The latest Bail Application No.656 of 2025 was rejected by order dated 11.08.2025.

5. At the very outset, Mr.Raju Suryawanshi, learned counsel for the Applicant tendered an order dated 11th September, 2025 passed by the Additional CJM, 24th Court, Borivali, Mumbai. The said order is taken on record. It appears that the co-accused whose role was similar to that attributed to the Applicant is granted bail on certain conditions.

6. In these circumstances, Mr.Suryawanshi submits that after the rejection of his bail application, the co-accused

is granted bail. Hence, by the principle of parity the Applicant's Application be allowed. He submits that FIR is registered on 1st May, 2024 and from 4th May, 2024, the Applicant is in custody. Charge-sheet has been filed but charges are yet not framed. He thus, submits that by the principle of long incarceration he must be granted bail.

7. Per contra, Ms.Megha Bajoria, learned APP representing the State submits that the co-accused was granted bail also on medical reasons and hence the principle of parity may not apply. She further submits that this is a serious offence and incarceration is not so long so as to consider the Applicant for the grant of bail.

8. Mr.Amardeep Bhattacharya, learned counsel for the intervenor took strong defence and resisted the Bail Application by submitting that this is a huge scam done by the Applicant and the offence is of serious and grave nature and hence Bail Application be rejected.

9. I have considered the arguments advanced by learned counsel for the respective parties and perused the record of the case with their assistance.

10. Considering that the co-accused whose role is exactly similar to that of the present Applicant is enlarged on bail, I am inclined to enlarge the present Applicant on bail under the principle of parity.

11. In any case, even the Applicant has suffered incarceration for a period of 1 year and 4 months and since the charge-sheet is filed, no purpose will be served by his continuing incarceration. In this view of the matter, the Applicant is released on bail and it is ordered as follows:-

ORDER

i) The Applicant be enlarged on bail, on executing PR Bond in the sum of Rs.50,000/ with one or two local sureties in the like amount;

ii) The Applicant shall attend the trial Court till the conclusion of the trial;

iii) If the Applicant has not deposited the passport, the Applicant shall deposit the same with the concerned Police Station;

iv) The applicant shall not leave India, without the permission of the trial Court;

v) The Applicant shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

vi) The Applicant shall inform his latest place of residence and mobile contact number immediately after being released and / or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

vii) The Applicant to co-operate with the conduct of the trial;

viii) Any infraction of the aforesaid conditions shall entail cancellation of bail.

12. Application is allowed in the above terms and is accordingly disposed of.

13. In view of disposal of the present Bail Application, Interim Application also stands disposed.

14. It is made clear that the observations made herein are *prima facie* and are confined to this Application and the learned Judge to decide the case on its own merits, uninfluenced by the observations made herein.

(DR. NEELA GOKHALE, J)