



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION NO. 22 OF 2025

Purab Swarupchand Darda
Vs.

State of Maharashtra, Thru. PSO, PS Sitabuldi, Nagpur and anr.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr. Sukrut Sohoni, Advocate h/f Mr. Prakash Jaiswal, Advocate
for applicant.

Mr. H.D. Marathe, APP for non-applicant No.1/State.

Mr. Nihalsingh Rathod, Advocate for non-applicant No.2.

CORAM : RAJNISH R. VYAS, J.

DATE : 09.10.2025

This is an application for cancellation of bail
preferred by the original informant.

2. I have heard Mr. Sukrut Sohoni, instructed by
Mr. Jaiswal, Mr. Marathe, learned Assistant Public
Prosecutor for the non-applicant No.1/State and Mr.
Rathod, learned counsel for non-applicant No.2.

3. It is the case of the original
complainant/present applicant that the First Information
Report No.1240/2024 dated 12.12.2024 for commission
of offences punishable under Section 384, 420, 465, 467,
468 and 471 of the Indian Penal Code is registered at

Police Station Sitabuldi, Nagpur City, against non-applicant No.2/original accused.

4. In the said First Information Report, it is the case of the applicant that he came in contact with the accused through one Akhlakh Ghoshi, due to their friendship in April 2023, and a financial help was given, initially. According to FIR, Mr. Akhlakh Ghoshi has informed the complainant that the non-applicant No.2/accused is intending to purchase dollar (USDT) for which the non-applicant No.2 would deposit an amount in the account of Akhlakh Ghoshi in exchange of which USDT be credited in account of non-applicant No.2.

5. According to the report, there were several transactions took place regarding USDT to the tune of Rs.1,05,00,000/-.

6. The learned counsel for applicant further stated that since non-applicant No.2 was indebted to several person, he started threatening to the applicant so also demanded extortion amount but applicant did not succumb to pressure. According to the report, the non-applicant No.2 lodged false complaint with Police Station Bhandup, Mumbai against the applicant. He stated that even the bank account of the applicant was illegally freezed. According to the First Information Report on

06.08.2024 non-applicant No.2 prepared false memorandum of understanding (MOU) dated 20.03.2023 by forging the signature of the applicant and on basis of it lodged report with Bhivandi Police Station. In that matter, the applicant had applied for anticipatory bail in which he received/got copy of MOU and other documents. This act of forgery was reported to the non-applicant No.1-Police Station by the applicant and consequently, FIR as stated above was lodged.

7. With the assistance of the learned counsels I have perused the record. The non-applicant No.2 apprehending the arrest in FIR No.1240/2024 had preferred anticipatory bail Criminal Application No.3690/2024 before the learned Ad-hoc District Judge - 5 and Additional Sessions Judge, Nagpur, which vide its order dated 31.01.2005 allowed the application.

8. The order granting anticipatory bail to the non-applicant No.2 is challenged on the ground that custodial interrogation of non-applicant No.2 was required for recovery of forged Memorandum of Understanding. A ground is also raised that non-applicant No.2 is not cooperating the investigating agency and order impugned no way satisfies the parameters which are required to be taken into consideration while granting anticipatory bail. Further it is contended that for proper

investigation either stamp vendor, purchaser of stamp, notary public should have been called for recording the statement or should have been impleaded as an accused.

9. Perusal of the FIR itself shows that there are several complaints filed by the parties against each other. According to the reply filed by the State dated 16.06.2025, more particularly paragraph 4, investigation of crime is almost completed. Reply further shows that in FIR registered at Bhandup Police Station, Mumbai copy of MOU is seized by the investigating agency.

10. It is pertinent to mention here that the non-applicant No.2 had preferred Criminal Writ Petition No.37/2025, challenging registration of FIR No.1240/2024 before this Court in which following observations were made:

“5. The perusal of the first information report depicts that the incident which led to the registration of offence has completely taken place in Bombay and not in Nagpur, still respondent No.1 has proceeded to register the crime in the matter at Nagpur. The least that was expected in such an eventuality as is claimed by Mr. Patil, learned counsel appearing for the petitioner is that the respondents should have registered a zero first information report in Nagpur and transfer the same for investigation to the police authorities at Bombay.

6. Prima facie there appears to be substance in the matter.”

11. Thus, *prima facie* it can be said that the dispute is of private nature and the investigation on the basis of same allegations is carried out by the Bhandup Police Station.

12. No material has been brought on record to show that non-applicant No.2 is not attending the Police Station or not cooperating the investigating agency except averment made in reply filed before the Sessions Court.

13. The State has come with positive stand that investigation in the instant matter is almost completed.

14. In that view of the matter, I do not find any merit in the case since order granting bail is a speaking order where entire record was taken into consideration. Therefore, application being devoid of any substance is rejected.

(Rajnish R. Vyas, J.)