IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 615 OF 2026

Sohail Gulmohammad Shaikh And Anr ...Applicants

Versus

The State Of Maharashtra And Ors. ...Respondents

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Adv, Sushant Prabhune (through V.C.) a/w Adv. Rutik A. Kashid, Advocate for Applicants.
Mr. Shrikant H. Yadav, learned APP for the Respondents-State.
Adv. Paras Yadav, for Respondent No.3.
Mr. D. B. Kolekar (API), Kavathemahankal Police Station, present

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CORAM : SHAILESH P. BRAHME, J.

DATE : 27th OCTOBER, 2026.

P.C. :

Heard.

2. The applicants are apprehending their arrest in Crime No.0257 of 2026, registered with Kavthemahankal Police Station, Sangli, for the offences punishable under Sections 318 (4) and 3(5) of Bhartiya Nyaya Sanhita, 2023.

3. A report is lodged by the informant who happened to be the proposed purchaser of the scrap material of Ranjani Sugar Factory. It is stated that it was agreed between the informant and the applicants and

co-accused to purchase the scrap material at the rate of Rs.33 per kilo and Rs. 75,00,000/- was to be paid towards the deposits. Pursuant to the negotiations, the amounts were given by the applicants aggregating Rs.75,00,000/-. When the informant was to start work for shifting the scrap material, applicants and others prohibited him and refused to follow the terms. Thereafter, informant demanded Rs. Rs.75,00,000/-, which was denied, and hence he had to approach the police.

4. Learned counsel for the applicants submits that it was agreed between the parties that the amount of consideration would be Rs. 1.5 Crores and only Rs. Rs.75,00,000/- was paid by the informant. The complaint was made by the applicants as informant attempted to take out scrap illegally. The applicants were required to initiate Criminal M.A. No. 90 of 2024 against the informant. The cheque is stated to have been given towards security. It is further submitted that the correspondence between the parties would indicate that informant failed to keep the promise.

5. Learned APP appearing for the respondens-State submits that C.R. No. 160 of 2021 has not been disclosed. The applicants have admitted the liability of receiving Rs.75,00,000/-. The investigation is underway and there is incriminating material against him.

6. The counsel for the respondent No. 3 submits that applicants were not the directors. They are habitual offenders. The cheque issued

by them was also dishonoured. He is relying upon the affidavit in reply filed in the matter.

7. The informant was the proposed purchaser of the scrap material which is outcome of the negotiations between the parties. It transpires from record that both the applicants were appointed as director on 05.12.2024. When initial talks took place, they might not be office bearers, but the informant was apprised of this fact and the further transaction was to take place after their appointment as director. I find no substance in the allegation that the applicants were not office bearers of the sugar factory and still they entered into transaction with the informant.

8. I have gone through the complaints made by the applicants before two years, i.e. on 07.11.2024. The notice was also issued to the informant by the applicants. Thereafter, applicants approached Judicial Magistrate, 1st Class in Criminal M.A. No. 90 of 2024. This indicates that the transaction between the parties is originally civil in nature. They have a dispute regarding terms of their agreement. The amount of Rs.75,00,000/- received by the applicants has also not been disputed. *Prima facie*, I find that there is no element of cheating as such.

9. The applicants have disclosed only one offence. Another offence bearing C.R. No. 160 of 2021 is stated to have been not

disclosed, as the report of B-Summary was submitted in it.

10. Considering the nature of the allegations, I find that applicants are entitled to the protection. Hence, I pass the following order :

::ORDER::

(i) Anticipatory Bail Application is allowed.

(ii) In the event of arrest, the applicants shall be released on bail in Crime No.0257 of 2026, registered with Kavthemahankal Police Station, Sangli, for the offences punishable under Sections 318 (4) and 3(5) of Bhartiya Nyaya Sanhita, 2023 on furnishing P. R. bond of Rs.50,000/- each with one or more solvent sureties in the like amount on the following conditions :

(a) The applicants shall not tamper with the prosecution evidence and contact the prosecution witnesses.

(b) The applicants shall furnish contact number of themselves or their close relative/friend.

(c) The applicants shall furnish their contact numbers to the Investigating Officer.

(d) The applicants Shall surrender their Aadhar Card and PAN Card to the Investigating Officer, if any.

(e) The applicants shall report the concerned Police Station on every Wednesday and Sunday between 10.00 a.m.

to 2.00 p.m. till conclusion of the trial.

(f) The applicants shall co-operate for expeditious disposal of the trial and attend the dates punctually.

(iii) Anticipatory Bail application is disposed of accordingly.

[SHAILESH P. BRAHME, J.]