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

ANTICIPATORY BAIL APPLICATION NO. 160 OF 2026

Umarfarukh Hajichand Bagwan	...Applicant
<u>VERSUS</u>	
State Of Maharashtra And Anr.	...Respondents

Mr. Rahul Dhaygude a/w Sujata B. Lohar for the Applicant.
Mr. S. H. Yadav, APP for the Non-applicant State.

CORAM	:	M. W. CHANDWANI, J.
DATE	:	27th APRIL, 2026.

P.C.

1. The applicant is apprehending arrest in connection with Crime No. 531/2024 registered with Police Station, Umbraj, Dist. Satara for the offences punishable under Sections 463, 420, 409, 406 and 403 read with Section 34 of the Indian Penal Code, 1860.
2. Heard the learned counsel for the Applicant and learned APP for the non-applicant State.
3. Upon perusal of the case diary, it appears that the Applicant and the Complainant are partners engaged in the business of export and import of fruits and vegetables, sharing profits to the extent of 30%. The allegations against the Applicant are that three containers of grapes and one container of onions, collectively valued at Rs.1,68,41,156/-, were exported to Ali T. Al-Ziyadi Trading E.S.T. Company. Out of the said amount, the Complainant received Rs.83,46,509/-, whereas the remaining sum of Rs.84,94,647/- was allegedly transferred by the said company into

the account of the Applicant's firm. It is, therefore, the case of the Complainant that the aforesaid amount of Rs.84,94,647/- has been misappropriated by the Applicant.

4. Initially, the Complainant approached the concerned police station for registration of an offence; however, upon refusal by the police authorities, the Complainant filed an application under Section 156(3) of the Code of Criminal Procedure before the learned Judicial Magistrate First Class, Karad. The learned JMFC, upon verification of the complaint, directed Police Station, Umbraj to register the offence. Consequently, the aforesaid offence came to be registered against the Applicant.

5. It is the contention of the learned counsel for the Applicant that the dispute is purely civil in nature, stemming from business transactions between the parties. It is further submitted that the Applicant has already issued a notice to the Complainant seeking recovery of an amount of Rs.75,92,118/- towards the cost incurred for procurement of grapes from farmers on behalf of the partnership firm. The learned counsel submits that the Applicant is willing to co-operate with the investigation and therefore, prays that the present application be allowed.

6. On the contrary, the learned APP has opposed the application contending that the e-mails received from the purchaser as well as from the Ambassador from Saudi Arabia clearly demonstrate that the remaining amount, being approximately half of the total consideration, has been paid to the present Applicant. It is, therefore, submitted that the *prima facie* involvement of the Applicant is established. It is further contended that Crime No. 426/2023, for the offences punishable under Section 420 read with Section 34 of the Indian Penal Code, has been registered against the present Applicant on the complaint lodged by the farmers. Hence, it is prayed that the present application be rejected.

7. Thus, it appears from the case diary as well as the submissions advanced on behalf of the Applicant that the transaction in question arises out of a dispute with regard to supply of fruits to a company based in Saudi Arabia in the course of business carried on by the firm, in which the Applicant and the Complainant are partners. It is not in dispute that approximately half of the total consideration amount has been received by the Applicant. The contention of the Applicant is that a sum of approximately Rs.75,92,118/- remains outstanding towards the purchase of grapes from the farmers. In view of the aforesaid, it prima facie appears that the dispute pertains to settlement of account between the parties. Whether the Applicant had intention to cheat the Complainant from the very inception is a matter of trial.

8. Considering the allegations and the fact that there was a business transaction between the parties, no fruitful purpose will be served by detaining the Applicant in custody. The Applicant undertakes to co-operate with the investigating agency. Considering the facts of the case; in my view, custodial interrogation of the Applicant may not be required. Hence this order :

- I. The application is allowed.
- II. In the event of arrest of applicant - Umarfarukh Hajichand Bagwan in connection with crime No.531/2024 with Police Station, Umbraj, Dist.Satara for the offences punishable under Sections 463, 420, 409, 406 and 403 read with Section 34 of the Indian Penal Code, 1860, he be released on bail on furnishing a PR bond of Rs.50,000/- with one solvent surety in the like amount.
- III. The applicant shall attend the concerned police station on every Friday and Monday between 10.00 am to 12.00 pm (noon) for a period of two weeks and shall co-operate in the investigation.

- IV. The applicant shall not indulge in tampering with the prosecution evidence or threaten the prosecution witnesses in any manner.
9. With this , the Application stands disposed of.

[M. W. CHANDWANI, J.]