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

ANTICIPATORY BAIL APPLICATION NO. 179 OF 2026

NILESHWAR MANOJKUMAR SHODHE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Applicant : Mr. Harshavardhan Patil

APP for Respondents/State : Mr. Shrikant H. Yadav
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CORAM : MEHROZ K. PATHAN, J.
DATE : 8th JUNE 2026

PER COURT :

1. Heard the learned Counsel for the Applicant and the learned APP for the State.

2. The Applicant has approached this Court, seeking anticipatory bail in connection with Crime No.706/2025 registered with Foujdar Chawdi Police Station, District Solapur for the offences punishable under Sections 3(5), 316(2), 318(4) of Bharatiya Nyaya Sanhita, 2023.

3. The case of the prosecution is that the informant is running a garage at Solapur, named and styled as Sai Motors. In February 2025, the present Applicant and co-accused Vijay Ramshankar, originally a resident of Indore (Madhya Pradesh), visited the

informant's garage 3–4 times for repairs of their car. Consequently, the informant became acquainted with them. The Applicant and co-accused informed the informant that they were working as Auction Officers in Mahindra Finance Company and could provide cars at minimum rates. Believing this representation, the informant, his co-workers, and owners of other garages in the neighbourhood decided to purchase cars from the Applicant and co-accused Vijay. Accordingly, the Applicant and co-accused Vijay showed them photographs of various cars on their mobile phones. In March 2025, the informant paid Rs.3,00,000 to the Applicant and co-accused. Between 20.03.2025 and 29.06.2025, he further paid a total sum of Rs.4,90,000 to the Applicant through PhonePe and Rs.1,55,000 to co-accused Vijay through PhonePe. Thus, the informant claimed to have transferred a total sum of Rs.9,45,000 to the Applicant and co-accused. However, no car was delivered to him. The prosecution further alleged that, in the same manner, workers under the informant and garage owners in the neighbourhood also paid substantial amounts to the Applicant and co-accused Vijay. Despite assurances, neither cars were delivered nor amounts refunded. It is alleged that the Applicant and co-accused Vijay obtained a total sum of Rs.30,39,999 from the informant and other victims, thereby committing fraud and cheating. Hence, the First Information Report was lodged.

4. The learned Counsel for the Applicant submits that the Applicant is falsely implicated in the present crime. The Applicant is

made a scapegoat for the transaction entered into by the Complainant in connivance with accused no. 2/Vijay. The entire transaction was completed, and the Applicant had also handed over two vehicles namely Bolero and an Endeavour to the Complainant, for which he received only an amount of Rs.3,88,200/-, while the remaining balance is yet to be paid by the Complainant. It is further submitted that the Applicant has been falsely implicated in the present crime with the sole intention of wreaking vengeance and shielding accused no. 1/Vijay, who is the principal accused in the matter. The learned Counsel for the Applicant submits that, even though notice under Section 35 of the BNS was issued to the other accused, no such notice was ever issued to the present Applicant. Had such notice been issued, the Applicant could have cooperated with the investigation. The Applicant was protected by this Court vide order dated 04.05.2026 and has duly complied with the conditions of attending the police station and cooperating with the investigation. The Applicant is a resident of Madhya Pradesh and has no criminal antecedents to his discredit. The Applicant is further ready to abide by any conditions that may be imposed by this Court. Hence, the Applicant may be protected.

5. As against this, the learned APP vehemently opposes the present application on the ground that the Applicant was directed to remain present for investigation but failed to regularly attend before the Investigating Officer. The Applicant has attended only on three occasions, and thereafter, despite specific calls made by the

Investigating Officer, he failed to remain present and cooperate with the investigation. The Applicant is directly named in the FIR. It is further submitted that the Applicant has not only cheated the Complainant but has also cheated several other victims, specifically seven persons named in the FIR. The Applicant represented himself as working with Mahindra Finance as an Auction Officer and promised to deliver seized vehicles at very low prices. The Complainant and other persons were induced by the Applicant to pay huge amounts. The Applicant received substantial sums from the Complainant and others but failed to deliver the vehicles or provide the relevant ownership documents. The offence is serious in nature and requires thorough investigation. Hence, custodial interrogation of the Applicant is necessary. The learned APP further submits, upon instructions of the Investigating Officer, that even though the Applicant was directed to remain present, he failed to respond to calls or cooperate with the investigation. This amounts to a deliberate violation of the conditions imposed by this Court. Therefore, the Applicant is not entitled to be released on anticipatory bail, and the application deserves to be rejected.

6. I have gone through the investigation papers made available by the learned APP. A perusal of the same shows that the evidence is primarily documentary in nature. The transactions have taken place through UPI, and the bank statements have also been collected. Statements under Section 181 of the BNS have been recorded from the concerned victims. A perusal of the FIR further shows that the

Complainant has admitted that the Applicant handed over two vehicles namely Bolero and Endeavour to him, but failed to provide the ownership documents of the said vehicles. The FIR itself suggests that the vehicles were delivered to the Complainant. Thus, the submission that the Applicant has been falsely implicated in the present crime, and that the Complainant failed to make the balance payment as alleged, appears to be probable at this stage. However, these observations are made only for the purpose of deciding the present application for anticipatory bail, and the same shall not influence the learned trial Court.

. Be that as it may, since the Applicant was protected by the interim order dated 04.05.2026, the apprehensions of the learned APP can be addressed by imposing stringent conditions on the Applicant. Hence the following order :

ORDER

(**i**) In the event of arrest of the Applicant - Nileshwar Manojkumar Shodhe in connection with Crime No.706/2025 registered with Foujdar Chawdi Police Station, District Solapur for the offences punishable under Sections 3(5), 316(2), 318(4) of Bharatiya Nyaya Sanhita, 2023, he be released on bail on furnishing P.R. bond of Rs.50,000/- (Rupees Fifty Thousand) with two solvent sureties in the like amount, on the following conditions :

(a) The Applicant shall attend Foujdar Chawdi Police Station, District Solapur on every Thursday and Friday between 11:00 am. to 01:00 pm. and thereafter as when called by the Investigating Officer, till the filing of the charge-sheet.

(b) The Applicant shall hand over the mobile phones to the Investigating Officer.

(c) The Applicant shall not tamper with the prosecution evidence and shall not influence the witnesses.

(d) The Applicant shall submit his Aadhar and PAN Cards to the Investigating Officer and detailed addresses and phone numbers of himself and two of the near relatives.

(e) A single violation of the conditions would entitle the prosecution to seek cancellation of the bail of the Applicant.

(**ii**) The application is allowed in the above terms and stands disposed of.

MEHROZ K. PATHAN
JUDGE

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