KANCHAN VINOD MAYEKAR
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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 631/2026

1. NITESH SHANTILAL MEHTA

2. MUKTA NITESH MEHTA

3. SHANTILAL PANNALAL MEHTA

4. BHARAT JAIN ..... APPLICANTS

VS

THE STATE OF MAHARASHTRA & ANR. .... RESPONDENTS

Adv. Pranav Avhad a/w. Adv. Darshna Naval for the Applicants.

Ms. Geeta P. Mulekar, APP for the Respondent – State.

Dr. Sujay Kantawala a/w. Adv. Aishwarya Kantawala, Adv. Rizwan Shaikh i/b. Jeffry Caleb for the Respondent No.2.

PSI D. P. Mane, Kasturba Marg Police Station, Mumbai present.

CORAM : PRAFULLA S. KHUBALKAR, J.
DATE : 1ST OCTOBER, 2026

P.C. :-

1) Heard learned counsel for the applicant as well as learned APP for the respondent – State, so also learned counsel for the respondent no.2.

2) The applicants have filed the instant application seeking pre-arrest bail in connection with FIR No. 35 of 2026 registered with

Kasturba Marg Police Station, Mumbai for the offence under Sections 3(5), 316(2), 318(4) and 351(2) of the Bharatiya Nyaya Sanhita, 2023 (for short 'BNS').

3) Learned counsel for the applicants submits that the offence is registered against the applicants on the basis of the allegations by the complainant with respect to certain business transactions which are related to gold weighting 4.6 kg and certain other cash transactions. He submits that although offence came to be registered with respect to the commercial transactions, the applicants have expressed desire to resolve the controversy, which was expressly communicated to this Court as recorded in order dated 12th June, 2026. Learned counsel for the applicants submits that in accordance with the readiness expressed by the applicants to handover gold and pay certain amount to the complainant as mentioned in para no.3 of the said order, the compliances have been done.

4) Learned counsel for the respondent no.2 does not dispute that the compliances as per paragraph no.3 of the order dated 12th June, 2026 have been done, although necessary certificate of '24 Carets' has not been made available. He therefore does not oppose confirmation of interim protection.

5) Apart from above aspects, it has to be noted that although

offence is registered against these applicants, a notice under Section 35(3) was served upon the applicants and they have expressed readiness to join the investigation and accordingly, it is pointed out that the applicants have co-operated the Investigation Agency. Learned APP does not dispute this contention.

6) Considering the nature of offence and the conduct of the applicants in resolving the controversy as per the commitments, mentioned in para 3 of the order dated 12th June, 2026, at this stage, the personal liberty of these applicants needs to be protected by confirming the interim protection.

7) Accordingly, the interim protection granted by order dated 12th June, 2026 is confirmed. In view of this, following order is passed :-

ORDER

(a) Anticipatory bail application is allowed.

(b) In the event of arrest of these applicants in FIR No.35 of 2026 registered with Kasturba Marg Police Station, Mumbai for the offence under Sections 3(5), 316(2), 318(4) and 351(2) of the BNS, they be released on bail on furnishing P.R.Bond of Rs.25,000/- each with one solvent surety in the like amount.

(c) The applicants are directed to attend the police station as and when called upon by the Investigating Agency.

(d) The applicants shall extend co-operation during investigation and trial.

(e) The applicants shall not pressurize or influence the prosecution witnesses directly or indirectly.

8) Anticipatory bail application is accordingly allowed and disposed of.

[PRAFULLA S. KHUBALKAR, J.]