IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 1940 OF 2026

Ashok Kumar Shetty @ Ashok Vyas …Applicant

Versus

The State of Maharashtra And Anr. …Respondents

Adv. Ashok Shukla, for the Applicant.

Mr. Bapu V. Holambe-Patil, A.P. P., for the Respondent – State.

Adv. Anita Castellino a/w Adv. Kevin Gala i/b. Adv. Mehul Thakker, for the Respondent No.2/Intervener/Original Complainant.

API Sachin Sanap, Crime Branch, Unit – I, Mira-Bhayender-Vasai Virar, is present.

CORAM : PRAFULLA S. KHUBALKAR, J.

DATE : 12TH OCTOBER 2026

P. C.:-

1. Heard learned counsel for applicant as well as learned APP for respondent-State and learned counsel for respondent no.2

2. The applicant is apprehending arrest in connection with Crime No. 251 of 2026 dated 19.05.2026, registered with Kashimara Police Station, Mira-Bhayander-Vasai-Virar Police Commissionerate, for the offence punishable under Sections 406

and 420 read with Section 34 of Indian Penal Code, 1860 (for short, **"IPC"**).

3. It is alleged in the FIR that between 2019 and 2022, the applicant cheated the complainant who is a retired Deputy Police Commissioner under the pretext of establishing a joint hotel business in Kundapur, Udupi, District, Karnataka. Over this period, it is alleged that the applicant induced the complainant to transfer a total sum of ₹ 34,15,000/- through various online transactions, falsely assuring that the entire amount would be fully refunded upon the complainant's exit from the business venture. However, it is alleged that the applicant failed to return the money, thereby cheating the complainant.

4. Learned counsel for the applicant submits that the FIR came to be registered merely on the basis of a partnership dispute, he submits that the transaction is civil in nature and that the applicant has been falsely implicated. He submits that there is a significant delay in lodging the FIR as the offence allegedly occurred in year 2020 and it came to be registered in year 2026. He further submits that the applicant has paid an amount of 10,00,000/- to the complainant and there is nothing to indicate commission of offence. He submits that the applicant was granted

interim protection by the Sessions Court and further from this Court and states that the applicant has attended the police station and has extended cooperation with the investigation agency. He further submits that the chargesheet is already filed against all accused persons on 14.09.2026, and therefore prays for the confirmation of the interim protection.

5. Learned APP for respondent- State and learned counsel for respondent no.2 submits that the offence registered against this applicant is serious in nature and thus prayed for rejection of the instant application. It is stated that the applicant took disadvantage of the complainant and misappropriated a huge amount on account of a partnership formed to open a restaurant. Learned counsel for the respondent no.2 submits that investigation about the defaulted money is necessary as the applicant has not yet returned the balanced amount, however, she does not dispute the contention that the applicant has paid an amount of Rs.10,00,000/- to the complainant. Further, learned APP submits, on instructions from the API who is personally present in the court states that the applicant has attended the police station as directed by this court by the interim order dated 23.07.2026.

6. Perused the FIR and documents place on record. It has to be noted that there is substantial delay in logging the the FIR about which there is no justification. It has to be noted that the applicant has paid amount of Rs.10,00,000/- to the complainant, and the grievance of the complainant is not payment of balance amount. On perusal of the allegations in FIR, the grievance raised by the complainant and the dispute *prima facie* appears to be civil in nature. Furthermore, considering the fact that the applicant has attended the police station as directed by this court by order dated 23.07.2026 and has fully cooperated the investigating agency and given that the chargesheet is already filed on 14.09.2026, the custodial interrogation of this applicant is not warranted. Hence, the interim protection granted by the order dated 23.07.2026 needs to be confirmed, subject to certain conditions.

7. Hence, I pass following order :-

ORDER

(i) The Anticipatory Bail Application is allowed.

(ii) In the event of arrest of the applicant in Crime No. 251 of 2026 dated 19.05.2026, registered with Kashimara Police Station, Mira

Bhayander, for the offence punishable under Sections 406 and 420 read with Section 34 of Indian Penal Code, 1860, he be released on bail on furnishing P. R. Bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with one solvent surety of the like amount.

(iii) The applicant is directed to attend the police station as and when called upon by the investigating agency

(iv) The applicant shall extend co-operation during investigation and trial and shall not influence the prosecution witnesses in any manner.

(v) Breach of any of these conditions, shall be a ground for cancellation of the bail.

8. In view of this, the instant Anticipatory Bail Application is allowed and disposed of.

(PRAFULLA S. KHUBALKAR, J.)

VDMokal/-