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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.2919 OF 2026

Prasad Yadavrao Sali ...Applicant

V/s.

The State of Maharashtra ...Respondent

Mr. Gaurav Parkar with Amresh Jadhav, Shantanu Kadam and Tarang Jain for the Applicant.
Mr. R. M. Pethe, APP for the Respondent-State.
Mr. B. S. Deore, PSI, Khadakpada police station present.

CORAM: SHYAM C. CHANDAK, J.
DATED : 13th OCTOBER 2026

P.C. :-

1. Heard learned Counsel for the parties. Perused the record.

2. Present application seeks release of the applicant on bail in connection with Cr. No.703 of 2025, registered with Khadakpada police station, Kalyan for the offence punishable under Sections 318(4) and 3(5) of the Bharatiya Nyaya Sanhita, 2023 ("BNS"), on the report dated 13th September 2025, filed against the applicant and his wife by the informant-Pradnya Kamble.

3. The prosecution case is that, in April 2024, the applicant and his wife deceived the informant and Dr. Rahul Dubey falsely representing them that both the accused were constructing a new hospital. On the basis of that representation, they induced the informant and Dr. Dubey to enter into a Partnership Agreement for running a medical shop in the proposed hospital and to pay them a total amount of Rs.70,00,000/-. However, the applicant and his wife did not act according to the Agreement and the promise they made to the informant and Dr.Dubey, nor returned their money.

Thus, the two accused committed this offence. During investigation police arrested the applicant and, on completion of investigation, filed the charge-sheet. The trial Court as well as the Sessions Court rejected his prayer for bail.

4. Mr. Parkar, learned Advocate for the applicant submitted that the said hospital was to be started by changing the user of the place because it was a marriage hall. Therefore, "No Objection Certificate" from the Fire department and other statutory permissions were necessary for the same. There are three owners of the said premises. He submitted that since the said owners failed to secure the NOC from the Fire department, the Partnership Agreement to establish the medical shop could not be materialised. Meanwhile, the applicant had to incur expenses towards making the necessary internal alterations to the marriage hall to render that premises suitable for hospital. The applicant has not misappropriated the money paid by the informant and Dr. Dubey. He also submitted that, the dispute is purely civil in nature as it is arising out of a contractual obligations, but, given it a colour of crime, the applicant is falsely implicated in this case. Therefore, the learned Counsel urged to release the applicant on bail.

5. In reply, Mr. Pethe, the learned APP, on the other hand, submitted that the material collected by the police indicate that it was for the applicant to take necessary steps to obtain the requisite NOC from the Fire Department. However, he did not. The applicant has not even carried out the necessary alterations to the marriage hall to make it suitable for functioning as a hospital. Mr. Pethe, further submitted that the applicant has failed to furnish proper account of the expenditure incurred from Rs.70,00,000/-, received from the informant and Dr. Dubey. Therefore, there is a *prima facie*

case against the applicant of having committed the offence of cheating and misappropriation. As such, bail be refused.

6. I have considered these submissions. The statement of Smt. Dhanashree Godambe, one of the owners of the premises, indicates that there was an issue regarding obtaining requisite NOC from the Fire Department. There was also an issue of an arrears of rent amount to be paid by the applicant. Meanwhile, Smt. Dhanashree Godambe learned that the applicant may not get investors for the hospital. In this background, the Agreement between the applicant and owners of the said premises could not reached to its logical end. As a result, the proposed medical shop also could not be started. Considering these aspects of the matter, it can be said that, to some extent there was a civil dispute between the parties. It led to some financial disputes. In this background, the present crime came to be registered.

Be that as it may. Mr.Parkar, the learned Advocate submitted that the applicant is encumbered under loan and his flat where he was residing is likely to be attached under the SARFAESI Act. The applicant's two daughters, aged 16 and 12 years, are school-going and they are facing hardship due to his incarceration. The offence is triable by a Magistrate. The charge is yet to be framed. The applicant is behind bars for last 8 months. His detention is not going to serve any purpose. He is not likely to tamper with the evidence and abscond. He has no criminal antecedents.

7. In the wake of above, the applicant is entitled for bail. Hence, following Order :-

(i) The applicant – Prasad Yadavrao Sali be released on bail in aforesaid FIR registered with Khadakpada police

station, Kalyan on his executing P.R. Bond in the sum of Rs.50,000/- with one or two sureties in the like amount.

(ii) The applicant shall mark his attendance at Khadakpada police station, Kalyan on 1st day of a month in every three months between 11:00 a.m. to 2:00 p.m. till conclusion of the trial.

(iii) The applicant shall regularly attend the proceedings before the jurisdictional Court.

(iv) The applicant shall not tamper with the prosecution evidence and shall not directly or indirectly influence upon the prosecution witnesses to prevent them from deposing against him.

(v) On being released from jail, the applicant shall furnish his contact number and residential address to the Investigating Officer and shall keep him updated, in case there is any change.

(vi) The applicant shall not indulge in identical activities for which he has been arraigned in this case.

(vii) It is clarified that any observation made in the present order are for the purpose of deciding the present Bail Application and should not influence the out come of the trial which should be decided on its own merit.

8. Bail Application stands disposed of in aforesaid terms.

(SHYAM C. CHANDAK, J.)