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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 2340 OF 2026

Suresh Menghraj Shroff ...Applicant

V/S.

The State Of Maharashtra ...Respondent

Adv. Pravada Raut a/w Lisa Das i/b Shraddha Dubey Patil, for the Applicant.

Adv. Prasanna P. Malashe, APP for the Respondent – State.

Adv. Abhishek Puranik, for the Intervenor.

PSI – Mr. Umesh Jadhav, D. N. Nagar Police Station, Mumbai is present.

CORAM : PRAFULLA S. KHUBALKAR, J.
DATE : 09TH OCTOBER, 2026.

P.C. :-

1. Heard learned counsel for the applicant as well as learned APP for the respondent-State and learned counsel for the informant / complainant.

2. The applicant is apprehending arrest in connection with Crime No. 678 of 2026 dated 21.06.2026, registered with D. N. Nagar Police Station for the offence punishable under Sections 111 and 316(5) read with Section 3(5) of Bharatiya Nyaya Sanhita (BNS), 2023.

3. The FIR is lodged on the basis of allegations made by the complainant alleging cheating by the accused persons with respect to the transactions about purchase of a flat in the scheme of the applicant. The

offence is registered against two accused persons who are developers and who have undertaken the work of development of the building.

4. Learned counsel for the applicant submits that the applicant is arraigned as accused no.1 and that the entire project was handed over to accused no.2, as reflected in the consent terms dated 09th May, 2024 submitted before this court in Commercial Execution Application(L) No. 15176 of 2023 (Exhibit- F). She submits that the offence is registered in the background of commercial disputes in between the complainant and the developer and that since the entire responsibility for development has been shouldered upon the accused no.2, the allegations of cheating against this applicant does not survive. By inviting attention to the consent terms recorded in Commercial Execution Application (L) No. 15176 of 2023 (at Exh. F) and the order passed by this Court in Commercial Execution Application (L) No. 15176 of 2023 dated 29th July, 2024, learned counsel for the applicant points out that the offence is registered in the background of a commercial dispute in between the complainant and the applicant.

5. Apart from this, learned counsel for the applicant submits that during pendency of the instant application, the applicant and the complainant have settled their disputes and a document of 'Consent Terms' is signed by the parties on 08th September, 2026. It is pointed out that, in accordance with the said consent terms the informant has categorically stated that he does not want to pursue the said FIR bearing FIR No. 678 of 2026 against this

applicant and in view of this, learned counsel for the respondent no.2, submits that he has no objection for confirmation of the interim protection granted in favour of the applicant. A copy of the consent terms is tendered across the bar. The same is taken on record and marked as document “X” for identification purposes.

6. Although learned APP has submitted that there are criminal antecedents against this applicant, considering the fact that in the instant case, the controversy is compromised in between complainant and the applicant and the complainant has clearly conveyed that he does not want to prosecute the applicant, the interim protection granted by this Court needs to be confirmed. Accordingly, the instant application needs to be allowed and the interim protection granted by order dated 25th August, 2026 needs to be confirmed subject to certain conditions.

7. Hence I pass the following order :

: ORDER :

i] Anticipatory Bail Application is allowed.

ii] In the event of arrest of the applicant in Crime No. 678 of 2026 registered with D. N. Nagar Police Station, Bhrihanmumbai (City) for the offence punishable under Sections 111 and 316(5) read with Section 3(5) of Bharatiya Nyaya

Sanhita (BNS), 2023, 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 shall extend cooperation during investigation and trial.

8. Accordingly, the Anticipatory Bail Application is allowed and disposed of.

***(PRAFULLA S. KHUBALKAR,* J.)**