IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 2598 OF 2026

SANJAY ROKADE ….. APPLICANT

VS

THE STATE OF MAHARASHTRA ….. RESPONDENT

Adv. Satyanarayan a/w. Adv. Rupesh Mandhare i/b. Adv. Sonali Mandhare, for the Applicant.

Mr. Ashok S. Gawai, APP for the Respondent – State.

Adv. Darshali Shah i/b. Adv. Monish Bhatia for Intervenor.

CORAM : PRAFULLA S. KHUBALKAR, J.
DATE : 7TH OCTOBER, 2026

P.C. :-

1. Heard learned counsel for the applicant as well as learned APP for the respondent and learned counsel for the intervenor.

2. The applicant has filed the instant application seeking pre-arrest bail in connection with Crime No. 48 of 2026 registered with Khadakpada Police Station, Thane (City) for the offence punishable under Sections 420 and 506 read with Section 34 of the Indian Penal Code (IPC), 1860.

3. The FIR is lodged by the complainant alleging that the complainant is involved in the business of supplying floor mill products

under the name of ‘Lalwani Ventures’ and he has 8 other flour mills. It is alleged that the applicant and his company namely M/s. Dhanlaxmi Agrogate has conducted business since last 9 years and has purchased goods from the complainant's company. It is alleged that during the year 2023-2024, there were some transactions and the accused has made only part payment and he has not paid the remaining Rs.26,59,530/-. It is alleged that similarly a relative of applicant namely Mayur Rokade has also bought goods from complainant's company during the year 2023-2024 though his company by name ‘Suhas Traders’ and has paid some of the amount to the company but a sum of Rs.26,67,002/- is yet to be paid. The complainant alleges that upon demanding the unpaid amounts the applicants refused to make payment of the outstanding amount. On the basis of these allegations, the FIR came to be registered against the applicants. Apprehending arrest in connection with the said offence, the applicants have filed the instant application.

4. Learned counsel for the applicant points out that the offence is registered on the basis of allegations that during the period from 1st October, 2023 to 23rd June, 2024, certain flour mill products were purchased by the applicant for an amount of Rs. 53,26,532/-, and that payment towards the said goods was not made. He submits that the transaction is purely commercial in nature, and that the parties have been engaged in several business transactions over a period of about 9 years. He further submits that a certain amount has already been paid to the complainant, and that instead

of filing a suit for recovery of the outstanding amount, the complainant has chosen to lodge the present report. He submits that the applicant has extended cooperation in accordance with interim order dated 17th September 2026 and prays for confirmation of interim protection.

5. Learned APP as well as counsel for intervenor opposed the application by submitting that there are specific allegations in FIR with particulars of the transactions between the complainant and the applicant. It is submitted that the applicant has failed to return the amount paid towards the goods purchased by him, and that the applicant has made wrongful gain therefrom, which attracts the offence of cheating. They also submitted that the investigation into the offence is required to be conducted with respect to all the transactions. As regards to the contention of the applicant about extending cooperation in accordance with the interim protection order, there is no dispute in that regard.

6. Learned counsel for intervenor submits that even with respect to business transactions the nature of allegations in FIR need to be considered while deciding anticipatory bail application and in support of his submissions, he referred to position of law.

7. Perused the FIR and documents on record. The allegations in the FIR show that the allegations are about non-receipt of the amount towards the goods allegedly supplied and it *prima facie* appears that the transaction is primarily civil in nature. There is nothing at this stage to

indicate that the applicant has indulged in any acts of cheating, warranting recovery of any material from him. In view of the above, since the FIR is registered against the applicant, he needs to be directed to join the investigation. Further, considering the fact that the applicant has attended the Police Station on several occasions, as stated by learned counsel for the applicant, and that there is nothing to show that he has misused the liberty granted to him, the interim protection granted by this Court needs to be confirmed, subject to certain conditions.

8. Hence, I pass the following order:

: ***O R D E R :***

i] The Anticipatory Bail Application is allowed.

ii] In the event of arrest of the applicant in connection with Crime No. 48 of 2026 registered with Khadakpada Police Station, Thane (City) for the offence punishable under Sections 420 and 506 read with Section 34 of the Indian Penal Code (IPC), 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 cooperation during investigation and trial.

9. In view of this, the instant Anticipatory Bail Application is allowed and disposed of. The interim application IA no. 3413 of 2026 is also disposed of.

[PRAFULLA S. KHUBALKAR, J.]