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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 2667 OF 2026

Ankit Bapu Thombare ...Applicant

V/S.

The State of Maharashtra ...Respondent

Adv. Raju Suryawanshi a/w Suraj Naik, for the Applicant.

Adv. Megha S. Bajoria, APP for the Respondent – State.

PI - Mr. Shashank Kadam, CSMT Railway Police Station, is present.

CORAM : PRAFULLA S. KHUBALKAR, J.
DATE : 07TH OCTOBER, 2026.

P.C. :-

1. Heard learned counsel for the applicant as well as learned APP for respondent-state.

2. By this application under Section 482 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, the applicant seeks pre-arrest bail in connection with Crime No. 673 of 2026 dated 17.08.2026, registered with Manpada Police Station, Thane (City), for the offence punishable under Sections 406, 420 and 506 of the Indian Penal Code (IPC), 1860.

3. The offence is registered on the basis of a report lodged by the informant alleging that the applicant has purchased the building material worth Rs. 35,52,794/- from the complainant’s company by name Kadir Transport and Amrin Transport and out of the said amount has paid only an

amount of Rs. 7,00,000/-. It is alleged that the complainant had got a paralyses attack and therefore his wife started looking after his business and when she had demanded the balance amount, the applicant falsely informed her that his amount is struck with the Government Department and he required some more amount for getting the amount released. It is alleged that, on that pretext he induced the complainant's wife to pay an amount of Rs. 20,00,000/- which she has paid after availing loan from HDFC Bank. It is alleged that thereafter, the applicant had returned only Rs. 2,10,000/- and on failure to return the remaining amount towards the goods supplied and the amount of hand loan, when the applicant was questioned he had threatened them to kill. On the basis of these allegations, the FIR came to be registered against the applicant.

4. Advocate Raju Suryawanshi, learned counsel for the applicant submitted that the entire allegations in the FIR are based on a concocted story and the informant has not disclosed that the applicant has returned an amount of Rs. 12,86,000/-, out of the amount of Rs. 17,40,000/-. He thus submitted that the allegations about inducement to pay an amount of Rs. 20,00,000/-, which is allegedly paid by the wife of the informant by availing loan from HDFC Bank, are unbelievable and are introduced to somehow implicate this applicant. He submitted that the transactions in between the applicant and the complainant are purely commercial in nature which has been given the colour of an offence.

5. Learned counsel for the applicant also vehemently submitted that the alleged transactions had occurred during the period from 01.04.2022 to 31.12.2022 and the offence is registered in August, 2026, without any justifiable explanation for the inordinate delay. He submits that there is nothing to show any act of inducement on the part of the applicant and on the basis of false allegations, the offence is registered against the applicant. He further submits that after considering the allegations in the FIR and contentions of the applicant, this Court had granted interim protection in favour of the applicant by order dated 22nd September, 2026 and accordingly, the applicant has attended the police station on 7 dates and extended cooperation. He therefore prays for confirmation of the interim protection.

6. Per contra, learned APP for the respondent-state has opposed the application and submitted that the FIR contains detailed allegations with particulars of the transactions in between the complainant and the applicant. It is submitted that the applicant has failed to return the huge amount to the informant and in view of the transactions in between them, the applicant has made wrongful gain attracting the offence of cheating. He also states that the investigation in the offence is required to be conducted with respect to all the transactions and liability of the applicant based thereon. As regards, the contentions of the applicant about attending the police station in accordance with interim protection order, there is no dispute.

7. Perused the FIR and the documents placed on record. It has to be noted that the allegations in FIR are based on transactions which had occurred prior to 31st December, 2022 and the FIR is lodged after a period of about four years. On perusal of allegations in FIR, it appears that there were certain business transactions in between the complainant and the applicant against which the applicant has made certain payments. The contentions about actual amounts paid by the applicant and the amount which is outstanding needs further investigation. On perusal of the allegations it however appears that the accusations are based on commercial transactions in between the parties and it is thus *prima-facie* seen that the civil dispute about recovery of money has been given the colour of an offence. As regards, the allegations in FIR about applicant's demand of Rs. 20,00,000/- which is allegedly paid by the wife of the complainant by availing loan from HDFC Bank, it *prima-facie* appears unbelievable at this stage, since it is alleged on the one hand that the complainant's wife was demanding money to the applicant and still she has availed loan to give hand loan to applicant. In view of this, it appears that the FIR is lodged to pressurize the applicant to settle the civil dispute regarding recovery of money.

8. In view of the above aspects, since the FIR is registered against the applicant, he needs to be directed to join the investigation and extend cooperation by disclosing all the financial transactions in between him and the complainant. The custodial interrogation of this applicant need not be

insisted at this stage. Further considering the fact that the applicant has attended the police station on 7 times as stated by the applicant, coupled with the fact that there is nothing to show that he has misused the liberty, the interim protection granted by this Court needs to be confirmed, subject to certain conditions.

9. Hence, I pass the following order :

: ORDER :

(i) The Anticipatory Bail Application is allowed.

(ii) In the event of arrest of this applicant in Crime No. 673 of 2026 dated 17.08.2026, registered with Manpada Police Station, Thane(City), for the offence punishable under Sections 406, 420 and 506 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.

10. The Anticipatory Bail Application is allowed and disposed of.

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