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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

VASANT ANANDRAO IDHOL

ANTICIPATORY BAIL APPLICATION NO.2841 OF 2026

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Date: 2026.10.22 20:03:02 +0530

Ushik Mahesh Gala & Ors. ...Applicants

V/s.

State of Maharashtra & Ors. ...Respondents

Mr.Girish Kulkarni, Senior Counsel with Mr.Rishi Bhuta, Mr.Rashmin Khandekar with Mr.Pushkraj Deshpande and Mr.Rohan Marathe i/b ALMT Legal for the Applicants.

Ms.Megha S. Bajoria, APP for Respondent Nos.1 and 3.

Mr.Ashwin R. Kapadnis for Respondent / Original Complainant.

CORAM : PRAFULLA S. KHUBALKAR, J.
DATE : 22ND OCTOBER, 2026.

P.C. :-

1. Heard learned Senior Counsel for applicants as well as learned APP for respondent nos.1 and 3, so also learned counsel for respondent no.2.

2. By this application, the applicants have sought for transit anticipatory bail in connection with FIR No.316 of 2026 registered with Sector 63, Commissionerate, Gautam Buddha Nagar Police

Station in the State of Uttar Pradesh, for offence under sections 318(4), 338, 336(3), 340(2) and 61(2) of The Bhartiya Nyaya Sanhita, 2023 (in short "BNS").

3. The FIR is registered on 24th July, 2026 against several accused persons including these applicants on the allegations of criminal conspiracy and cheating the complainant for an amount of approximately Rs. 3.24 crore, on account of failure to transfer the shares.

4. Learned Senior Counsel for applicants submitted that in view of registration of the FIR against these applicants and in view of the visit of the police officials to their home, they have apprehension of arrest. It is submitted that applicant no.1 has got severe health issues on account of which she is not in a position to travel and therefore, considering the medical status of applicant no.1, extra territorial transit anticipatory bail be granted to applicant no.1. He invited attention to an order dated 24.08.2026 passed by this court in Bail Application No. 1836 of 2026, has recorded observations about her severe health issues and possible risk of deterioration, while granting her bail on medical grounds. It is also pointed out that accused no. 2 and 3 are senior citizens being aged 67 years and 64 years respectively.

5. It is submitted that the primary allegations are against applicant no.1 and there are general allegations against other accused persons. Further, it is stated that the controversy of the FIR is subject matter of the arbitration proceedings with respect to which High Court of Delhi has already passed an order on 24th September, 2026, on an application under section 9 of Arbitration and Conciliation Act, 1996 by which interim protection is granted in favour of the Company. He submitted that the complainant has thereafter invoked the arbitration clause. It is therefore, submitted that in view of these circumstances, the applicants have made out an exceptional case for grant of transit anticipatory bail to the applicants.

6. The application is opposed by the learned APP as well as learned counsel for respondent no.2. It is pointed that the offence is registered on 24th July, 2026 and the application under Section 9 of the Arbitration & Conciliation Act,1996 was filed before the High Court of Delhi on 18th September, 2026 and thus the applicants could have filed similar application for anticipatory bail before the Competent Authority in the State of Uttar Pradesh. Learned counsel for respondent no.2 advanced submissions on merits of the matter and pointed out that the offence is made out in view of the allegations in the FIR and in view of the entire conduct of the applicants.

7. It has to be noted that the applicants have sought for transit anticipatory bail on the ground of medical status of applicant no.1 and in view of invocation of arbitration clause by the complainant itself in view of the order dated 24th September, 2026 by the High Court of Delhi. It has to be noted that the application under Section 9 of the Arbitration & Conciliation Act was filed through the Company and the personal presence of the applicants was not required. Pertinent to note that the medical status of the applicant no. 1 was taken note of by this Court while deciding her bail application i.e. Bail Application No.1836 of 2026 decided on 24th August, 2026. It has been observed that applicant no.1 is having severe health issues and considering the risk of deterioration of her health, bail application was allowed. In view of this, the same medical condition needs to be considered as a factor for grant of transit anticipatory bail. Since the main allegations are against applicant no.1 and in view of the order passed by the High Court of Delhi as referred above and considering the position of law as laid down by the Hon'ble Supreme Court in the matter of ***Priya Indoria vs. State of Karnataka & Ors., 2024 (4) SCC 749,*** I find that there are sufficient reasons to exercise the discretion to grant transit anticipatory bail, for a limited period.

8. Hence, the applicants are granted transit anticipatory bail

for a period of seven days from the date of uploading of this order and it is directed that they shall not be arrested during this period.

9. It is clarified that this Court has not recorded any observations on merits of the matter and in case any application is filed by the applicants before the Competent Court for seeking anticipatory bail, the same be considered on its own merits independently.

(PRAFULLA S. KHUBALKAR, J.)