Arjun

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.888 OF 2024

Naresh Rama Ahire …Applicant

Versus

The State of Maharashtra …Respondent

None for the Applicant.

Mr. S. M. Mangaonkar, APP, for the Respondent-State.

P.S.I. Shirke, Kharghar Police Station, Navi Mumbai, present.

CORAM: MADHAV J. JAMDAR, J.
DATED: 07 JANUARY 2026

P.C.:

1. None appears for the Applicant.

2. A learned Single Judge has passed the detailed Order on 18th April 2024 and granted interim protection to the Applicant. The said Order dated 18th April 2024 reads as under :-

> "*1. The Applicant is seeking anticipatory bail in connection with C.R No. 46 of 2024 registered at Kharghar Police Station, New Mumbai, on 15/02/2024, under Sections 406, 420, 504, 506 of the Indian Penal Code.*
>
> *2. Heard Paavani Chadha, learned counsel for the Applicant and Mr. Naik, learned APP for the Respondent-State.*
>
> *3. The FIR is lodged by Deepak Patil. He has stated that he needed financial assistance through loan in connection with his business. The banks were not sanctioning the loan. He came to know through one Shivdas Shedge that the*

present Applicant was helping in getting the loan. Therefore, the Applicant went to the office of the present Applicant on 31/01/2023. The informant showed the applicant his documents in respect of his property. The Applicant demanded Rs. 1 lakh as valuation fees. The informant transferred Rs. 1 lakh in the account of one Shweta Undare, at the instance of the Applicant. Thereafter, the Applicant told him that he was in a position to get a loan of Rs. 2.25 crores. But he demanded Rs. 14 lakh as the processing fee. The allegations are that the informant made that payment but subsequently neither the loan was obtained for the informant nor the processing fee was returned by the Applicant, thus causing loss of that amount. On this basis, the FIR is lodged.

4. Learned counsel for the Applicant submitted that without prejudice to the rights and contentions of the Applicant, he has filed an affidavit before the Court mentioning that he was willing to deposit the amount which is transferred in his account i.e. the amount of Rs. 14 lakhs with the reasonable interest. It is stated that Rs. 1 was paid in the account of Shewta Undre. The affidavit is taken on record. Affidavit mentioned schedule of the payment from 18/04/2024 to 18/08/2024 where the Applicant has undertaken to pay Rs. 14 lakhs with interest of Rs. 1,93,000/-, thus making total payment of Rs. 15,93,000/-. It is mentioned in the affidavit that the applicant has no objection if the amount is withdrawn by the first informant subject to executing an appropriate affidavit. This affidavit was filed by the Applicant voluntarily without any pressure.

5. Learned APP submitted that the investigation has revealed that there are other persons whose statements are recorded but those are the investors. There is one more person Arvind Mahapadi, who claims to have suffered at the hands of the Applicant in the same manner. However, learned counsel for the Applicant submitted that there is a dispute about that particular transaction. In any case, said Arvind had not approached the Police to lodge his own complaint. Considering this situation, at this stage, the ad-interim relief can be granted to test his bonafides. The affidavit filed by him is taken on record. Hence the following order.

ORDER

(i) In the event of his arrest in connection with C.R No. 46 of 2024, registered at Kharghar Police Station, New Mumbai, till the next date, the Applicant is directed to be released on bail on his executing P.R. bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.

(ii) This order shall operate till 19/06/2024.

(iii) The applicant is permitted to deposit the amount as per the schedule mentioned in the affidavit till the next date.

(iv) The first installment can be made within a week from today.

(v) Stand over to 19/06/2024."

Thereafter, further Order has been passed on 18th July 2024, which reads as under :-

"*1. Vide the order dated 18/04/2024, the Applicant was permitted to deposit the amount as per the schedule mentioned in the affidavit filed by him. As per that schedule he was to deposit Rs.4 lakhs as part of principal amount and Rs.1,68,000/- as part of interest. However, that particular amount could not be paid. But subsequently he has adhered to the schedule of the payment which was to be made on or before 18/05/2024 and 18/06/2024. To that extent he has shown his bonafide. Due to technical difficulty, he could not make the payment, which was according to him to be made on 18/04/2024.*

2. Since the Applicant has shown his bonafides by making payment of subsequent two installments, I am inclined to extend the time of making payment of first installment, which was to be made on 18/04/2024. Therefore, the Applicant is permitted to deposit Rs.5,68,000/- within a period of two weeks from today.

> *3. Learned counsel for the Applicant states that the remaining installments as per the schedule shall be paid regularly.*
>
> *4. Hence, the following order :*
>
> ***O R D E R***
>
> *(i) The Applicant is permitted to deposit Rs.5,68,000/- within a period of two weeks from today.*
>
> *(ii) The Anticipatory Bail Application be listed on 29/08/2024.*
>
> *(iii) The Interim Application is disposed of.*
>
> *(iv) Ad-interim relief granted earlier to continue till the next date.*"

3. Mr. Mangaonkar, learned APP, states that the Charge-sheet is already filed.

4. Thus, investigation is completed. The Applicant is having interim protection since 18th April 2024 i.e. for last about 1 year and 8 months.

5. Accordingly, the Anticipatory Bail Application is disposed of in terms of the Order dated 18th April 2024.

6. The amounts deposited in this Court be transferred to the Court of the learned JMFC, Panvel. The said amount shall be invested in a Nationalised Bank in a fixed deposit for the appropriate period. The concerned learned Judge shall pass an Order in accordance with law with respect to the amount which has been deposited.

7. The Anticipatory Bail Application is disposed of in above terms.

[MADHAV J. JAMDAR, J.]