

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO.1686 OF 2025

Mohammed Imran Haji Nabban Ali **...Applicant**
Versus
State of Maharashtra and Anr. **...Respondents**

**WITH
INTERIM APPLICATION NO.1836 OF 2025
IN**

BAIL APPLICATION NO.1686 OF 2025

Anil Kalyandas Ahuja **...Applicant**
Versus
State of Maharashtra and Anr. **...Respondents**

Mr. Chetan Hadollikar a/w Pooja Dalvi i/by Ganesh Mishra, *for the Applicant.*

Mr. Mayur S. Sonavane, *APP for the Respondent - State.*

Ms. Kriti S. Kataria i/by Bharat V. Bhatia, *for the Intervenor / First Informant.*

PSI – Surendra Pisal, Ambernath Police Station, Thane City, present.

CORAM DR. NEELA GOKHALE, J.
DATED: 23RD FEBRUARY 2026

PC:-

1. By this Application, the Applicant seeks his enlargement on bail in connection with C.R. No. 416 of 2023 dated 30th July, 2023 registered with the Ambernath Police Station, for the offences punishable under Sections 420 and

34 of the Indian Penal Code, 1860 (for short '**IPC**'). There are in all three accused. Accused No.3 is protected by anticipatory bail and Accused No.2 has been enlarged on bail by the Sessions Court.

2. The brief facts of the prosecution case are that the First Informant is a businessman dealing in sale of iron and steel. The Applicant is the owner of M/s. MI Traders, and Accused No.1 was engaged in day to day activities of the said company. There were some transactions by and between the First informant and the Applicant, wherein the Applicant had purchased steel/iron material from the First Informant's company. There was a continuing contract between the parties, and some amount became due and payable by the Applicant to the First Informant. However, the Applicant failed to make payment and avoided the said liability. Consequently, the First Informant lodged a complaint, pursuant to which an FIR was registered, and the Applicant was arrested on 2nd December, 2023.

3. The Applicant made an application seeking bail before the Additional Sessions Judge, Kalyan. However, by order dated 13th March, 2025, the said application was rejected. Hence, the Applicant has filed the present application for the relief as prayed.

4. Mr. Hadollikar, learned counsel for the Applicant, submits that the dispute between the parties is purely civil in nature. He submits that initially the offence was registered under the provisions of Sections 420 and 34 of the IPC. During further investigation, Sections 465 and 471 of the IPC were also invoked on the allegation that the Applicant forged his Aadhar Card. He further submits that the First Informant has not taken any steps to institute any civil suit or pursue any civil remedy against the Applicant. According to him, the First Informant has lodged the FIR with a view to pressurize the Applicant in paying the alleged outstanding amount. He, therefore, prays that the Applicant be enlarged on bail.

5. Mr. Hadollikar, on instructions, has volunteered to deposit a sum of Rs.8,40,000/- in two installments to show his *bona fides*. He submits that an amount of Rs.4,20,000/- shall be deposited within the first three months, and the balance amount will be deposited within a further period of three months thereafter. The statement is accepted.

6. Mr. Sonavane, learned APP representing the State, submits that the investigation reveals that the Applicant closed his business and absconded to Delhi. The Police were unable to trace him for first few months. However, he was eventually apprehended and arrested in Delhi. He further submits that the Applicant had deliberately furnished wrong details of his identity and forged his Aadhar Card. It is also submitted that the Applicant has criminal antecedents against him involving similar offences. He, therefore, prays that the application be rejected.

7. Ms. Kataria, learned counsel for the Intervenor/First Informant, supports the submissions

advanced by the learned APP. She submits that the Applicant be directed to deposit part of amount due and payable as a condition for grant of bail. She further submits that the Applicant is a resident of Uttar Pradesh and he may not be available to face trial. She, therefore, prays that the application be rejected.

8. I have heard learned counsel for the respective parties and perused the record of the case with their assistance.

9. The case against the Applicant pertains to breach of contract, inasmuch as he purchased steel/iron material from the First Informant and failed to pay the consideration amount. In fact, instead of taking any steps towards repayment, he absconded to Delhi. Be that as it may, the dispute involved arises out of contract for which the First Informant has a civil remedy. The Applicant is in custody since 2nd December, 2023 and has undergone incarceration for over two years. As of date, only two out of twelve prosecution

witnesses have been examined. The trial is likely to take considerable time to conclude.

10. In these circumstances, I am inclined to enlarge the Applicant on bail. It is accordingly ordered as under:-

ORDER

- i) The Applicant be enlarged on bail, on executing PR Bond in the sum of Rs.1,00,000/ with one or two local sureties in the like amount;
- ii) The Applicant shall attend the Trial Court concerned on each and every date unless exempted by the orders of the Trial Court concerned;
- iii) The Applicant shall also attend the Police Station concerned once in a month between 11:00 a.m. to 02:00 p.m.;

iv) If the Applicant has not deposited his passport, if any, the Applicant shall deposit the same with the Police Station concerned;

v) The Applicant shall not leave the State of Maharashtra, during the pendency of the trial, without the permission of the Trial Court;

vi) The Applicant shall not leave India, without the permission of the Trial Court;

vii) The Applicant shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

viii) The Applicant shall inform his latest place of residence and contact number immediately after being released and / or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the Police Station concerned;

ix) The Applicant to co-operate with the conduct of the trial;

x) Any infraction of the aforesaid conditions shall entail cancellation of bail.

11. The Bail Application is allowed in the above terms and is accordingly disposed of.

12. In view of disposal of Bail Application, nothing survives for consideration in the Interim Application, the same is also disposed of.

13. It is made clear that the observations made herein are *prima facie* and are confined to this Application and the learned Trial Judge to decide the case on its own merits, uninfluenced by the observations made herein.

(DR. NEELA GOKHALE, J)