

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 4398 OF 2025

Prakash Dayashankar Vyas ...Applicant
Versus
The State of Maharashtra ...Respondent

Mr. Nimesh R. Mehta a/w Mohd. Khalik, S.R. Mishra for the
Applicant.

Mr. A.S. Gawai, APP for the Respondent-State.

Mr. Chirag Sawant, Aditya and Imran Shaikh for the Intervenor.

CORAM: R. M. JOSHI, J.

DATED: 18th APRIL, 2026

PC:-

1. Applicant seeks bail in connection with C.R. No. 142 of 2025 registered with Vile Parle Police Station, Mumbai for the offences punishable under Sections 318(4), 316(2) and 61(1) of the Bharatiya Nyaya Sanhita, 2023. (for Short B.N.S.).
2. In short, it is the case of the prosecution that informant is the owner of the hotel. He had some issues with B.M.C. over premises of the hotel. He was over heard by applicant and co-accused while talking on Phone in this regard. The

applicant and co-accused approached him with the claim that they have acquaintance with the B.M.C Officers and asked informant pay to the B.M.C officers so that his work could be done. In February, 2024 accused told him to pay Rs. 20 Lakh for further payment to the B.M.C. officers, the said amount was paid into the account of applicant by R.T.G.S, thereafter further amount of Rs. 25 Lakh was sought. Thus, in all sum of Rs.82 lakhs was obtained by the accused from the informant but no work done nor amount was returned to the informant. He therefore, lodged a report in this regard.

3. Learned counsel for the applicant submits that this is a case of false implication as there is no evidence in order to establish his involvement in the crime. It is further argued that the applicant is an Advocate and he is not likely flee from justice. It is further claimed that the applicant cannot be kept in jail by way of pre-trial sentence. The bail is also sought on the ground that co-accused has been enlarged on bail by the Sessions Court.

4. Learned APP and Learned counsel for the informant opposed the application for grant of bail. They drew attention of this Court to the evidence on record indicating that the amount of Rs. 20 Lakh was transferred into the applicant's account. Reference is also made to the telephonic conversation involvement of the applicant in this crime.

5. Perusal of the application indicates that applicant claims to have no acquaintance with any officer or corporation in Mumbai, him being a resident of Gujarat. In spite of the said fact, admittedly applicant has received Rs. 20 Lakh from the informant. In the application it is claimed that the applicant is an advocate and amount has received towards fees. He further does not explain as to what purpose any fees was paid by the informant. On the other hand there is sufficient material on record against the applicant to show his involvement in the crime.

6. Insofar as the co-accused is concerned, record shows that the co-accused and the informant entered into a settlement and pursuant thereto, bail came to be granted to

the co-accused, in the absence of any such settlement, applicant is not entitled to seek bail, on the ground of parity.

7. The applicant is an advocate and there is evidence on record to show his involvement in the crime. The money has directly been gone into the account of the applicant. Thus, this is not a case of false implication.

8. Having regard to the nature of crime, applicant is not entitled for bail.

9. Hence, application therefore, stands rejected.

(R. M. JOSHI, J.)