

Prasad

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.712 OF 2026

Inkit Darshrath Patel

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Dinesh Sadhwani a/w Neha Bhavsar, for the Applicant.

Ms. Sangeeta D. Shinde, APP for the Respondent - State.

Mr. Manoj Patil, Malad Police Station, present.

CORAM: R. M. JOSHI, J.

DATED: 18th APRIL, 2026.

PC:-

1. The Applicant seeks release on bail in connection with CR No.436 of 2025 registered with Malad Police Station for offence punishable under Sections 316(2) and 318(4) read with Section 3(5) of the Bhartiya Nyaya Sanhita, 2023 (BNS).

2. The brief facts giving rise to this case are as under:

The informant Mr.Sameer Vakharia is doing business of education software and supply at Malad(W), Mumbai. He was introduced by his friend to accused Rupesh Shinde. He informed the informant that applicant namely Akshay Patel, owner of B.Patel & Company would help him to get benefit in GST. He also informed that said transaction would be done only in cash and for that purpose, informant will have to invest at least Rs.1 Crore in cash. He was enticed to get Rs.1.18 Crores against this investment.

Hence, the informant raised that amount and shown willingness to invest that amount. Accordingly, on 29.7.2025 at 11.00 a.m., he along with his partner Amish Shah and Mr.Rupesh Shinde went to the given address. Two persons were present there. They introduced the informant with the applicant. Thereafter, that amount was accepted from him and on enquiry it was told that said amount will be given to Veer Films and against that amount Rs.1.18 Crores be given to him. Applicant has issued one receipt having name of B.Patel and Company. Thereafter, as assured, the amount was not paid. Hence, on 6.8.2025, the informant lodged report and accordingly offence came to be registered.

The applicant was arrested in connection with this crime on 14.8.2025. Initially he was remanded to police custody till 21.8.2025. Now, he is in judicial custody.

3. Learned counsel for the Applicant submits that co-accused i.e. Accused No.1 was granted bail by the Sessions Court and Accused No.3 is granted prearrest bail by this Court. It is his submission that on parity the Applicant is entitled for bail. On merits, it is his submission that except for the alleged statement of the Informant and his friend, there is absolutely no evidence to show that any amount was paid by the Informant as claimed in the FIR. It is his submission that since it is stated in the FIR that he collected the moneys from his relatives and friends, it ought to have been investigated to that effect which is not there in the present case. According to him, the Applicant was arrested on 14th August, 2025 and after conclusion of investigation and filing of the charge-sheet his further custody is not required.

4. Learned APP opposed the application by pointing out that this is the case of Informant being duped of Rs.1 crore. It is her submission that there is statement of Rupesh Shinde which supports the case of the Informant. Apart from this, it is argued that there is recovery of Rs. 7 lakhs, which shows the involvement of the Applicant as well as the co-accused in the crime. She also drew attention of the Court to the receipt issued by one of the accused persons in acknowledgment of the amount from the Informant

5. *Prima facie* perusal of the evidence collected during the investigation does not show involvement of the present Applicant in the crime. Though there are statements recorded during the investigation, the investigating agency has not carried out investigation as to from where the amount of Rs.1 crore was brought by the Informant. Apart from this though it is claimed that receipt was issued by the accused towards token of receipt of money from the Informant, admittedly, there is no further investigation done in this regard. There is no obtainment of specimen signatures in order to ascertain as to who issued said receipt. Suffice it to say that there is no evidence to connect the Applicant in this crime. Apart from this co-accused against whom exactly similar role has been attributed, one of them is enlarged on bail and other is granted prearrest bail. Hence, following order.

ORDER

- i) The Bail Application is allowed.

ii) In connection with CR No.436 of 2025 registered with Malad Police Station, the Applicant be enlarged on bail on furnishing PR Bond of Rs.30,000/- with one or two local sureties in the like amount, to the satisfaction of the Trial Court.

iii) The Applicant shall not tamper with or interfere with the prosecution evidence in any manner whatsoever.

iv) The Applicant shall attend all dates of hearing before the Trial Court, unless exempted.

6. 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.

(R. M. JOSHI, J.)