IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.109 OF 2026

Hasmukhbhai Mansukhbhai Kawad …Applicant

Versus

State of Maharashtra …Respondent

Mr. Maulik Soni a/w Gauri Bhagwan Gavande, Advocate for Applicant.
Mr. S.M. Mangaonkar, APP for the State.
PSI, M. K. Maner, MIDC Bhosari Police Station, present.

CORAM: MADHAV J. JAMDAR, J.
DATED : 12th February 2026

P.C.:

1. Heard Mr. Soni, learned Counsel appearing for the Applicant and Mr. Mangaonkar, learned APP for the State.

2. By this application filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ("BNSS"), the Applicant is seeking pre-arrest bail in connection with C.R. No.49 of 2025 registered with Bhosari MIDC Police Station, Pimpri Chinchwad, for the offences punishable under Sections 34, 420, 467, 468 and 471 of the Indian Penal Code, 1860 ("IPC").

3. The present Applicant is Accused No.9. In fact, Accused No.10 described as Mahakali is also Accused No.9.

4. As per the prosecution case, the First Informant was in need of financial assistance of Rs.100 crores and for that purpose Accused No.5– Amar Shingade and Accused No.4– Vikas Sonawane took First Informant in the office of Accused No.6 – Patel and Accused No.7 – Swami and all of them informed him that for availing a loan of Rs.100 crores, Rs.28 crores are required to be paid as commission and that 2% amount is required to be paid as processing fee. Accordingly, the First Informant received a message on his mobile from cell phone number 8817762168 informing the First Informant that Rs.100 crores have been credited in his account. However, when the First Informant verified the same he found that no amount has been deposited in his account. At that time Accused No.4 – Vikas Sonawane, Accused No.5 – Amar Shingade and Accused No.6 – Patel informed First Informant that unless 2% of processing fee is deposited, the First Informant could not withdraw the said loan amount and the said amount although deposited in his account the same would be reflected in his account only after deposit of initial amount. All of them informed

the First Informant that for that purpose Rs.1,20,00,000/- (Rupees One crore Twenty lakhs only) be deposited in the Bank Account of Hasmukhbhai Mansukhbhai Kawad i.e. the present Applicant and in the Bank Account of one Mahakali. The particular of said Bank Account are mentioned in the FIR.

5. Mr. Soni, learned Counsel appearing for the Applicant fairly admits that both of these accounts are belonging to the Applicant i.e. Hasmukhbhai Mansukhbhai Kawad and said person named as Mahakali is also the Applicant.

6. Admittedly, the said amount of Rs.1,20,00,000/- (Rupees One crore Twenty lakhs only) has been deposited in these two Bank Accounts by depositing Rs.60 lakhs in each of the Bank Account. Thereafter, as the said loan of Rs.100 crore was not deposited in the account of the First Informant he followed with the Co-accused. Thereafter all the Co-accused who had assured that Rs.100 crores would be deposited in the account of the First Informant, after deposit of Rs.1,20,00,000/- (Rupees One crore Twenty lakhs only) gave false replies and thereafter could not be traced. They could not be contacted on their cell phones. As the

First Informant realized that he has been cheated, the FIR has been lodged.

7. Mr. Mangaonkar, learned APP submitted that the offence is very serious and the custodial interrogation is necessary.

8. It is the contention of Mr. Soni, learned Counsel appearing for the Applicant that the Applicant is in the business of exchange of money and therefore, the said amount of Rs.60 lakhs each has been deposited in those accounts which are belonging to the Applicant and the said amounts were immediately transferred in the account of various persons as set out on Page Nos.6 & 7 of the Anticipatory Application. Mr. Soni, learned Counsel therefore, submits that the Applicant is not involved in the crime.

9. The details of deposit of said amount of Rs.60 lakhs each in the account of various persons as set out by the Applicant on Page No.6 and 7 of the Anticipatory Bail Application, read as under :-

ICICI Bank Account Details (Personal Account)

Sr. No.	Name Details	Amount	Date
1	Bhoomi D/o Mahesh Vaghani	2,00,000/-	06.07.2023
2	Yash S/o Mahesh Vaghani	1,00,000/-	06.07.2023
3	Chetan Vajubhai	1,00,000/-	07.07.2023
4	Harikrushn Savani	38,00,000/-	10.07.2023
5	Mitul Chotala	1,00,000/-	10.07.2023
6	Mitul Chotala	1,00,000/-	10.07.2023
7	Mitul Chotala and Mahesh received cash from the applicant office	16,00,000/-	10.07.2023
	Total	**60,00,000/-**	

Mahakali Mobile Axix Bank account Details (Current Account)

Sr. No.	Name Details	Amount	Date
1	Mitul Chotala (Self Check Withdrawal)	3,50,000/-	06.07.2023
2	Shree Dying	47,50,000/-	07.07.2023
3	Mahesh Vaghani Cash (Self Check Withdrawal)	9,00,000/-	07.07.2023
	Total	**60,00,000/-**	

10. Although, it is the submission of Mr. Soni, learned Counsel appearing for the Applicant that the Applicant is doing the business

of money exchange and he is not involved in the crime, however, perusal of the Anticipatory Bail Application shows that entire amount of Rs.1,20,00,000/- (Rupees One crore Twenty lakhs only) has been deposited in various accounts as per the above details. There is nothing to indicate that any amount has been received towards the said business, even, the Applicant has not deducted any amount towards the said business or commission amount from said amount of Rs.1,20,00,000/- (Rupees One crore Twenty lakhs only). Thus, *prima facie* the contention raised on behalf of the Applicant cannot be accepted. *Prima facie* it appears that the Applicant alongwith the Co-accused have committed the crime. *Prima facie* all the Accused are involved in this crime which is per-planned. The offence is very serious, requiring custodial interrogation.

11. One more contentions which has been raised by learned Counsel spearing for the Applicant that the chargesheet has already been filed. However, Supreme Court in the case of ***X vs. the State of Utter Pradesh***[1] has held that mere filing of chargehsheet does not, by itself, preclude consideration of an application of bail.

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1 2026 SCC OnLine SC 43

It is further held that while assessing such an application, the Court is duty bound to have due regard to the nature and gravity of the offence and the material collected during investigation.

12. This is a case where the First Informant has been cheated for an amount of Rs.1,20,00,000/- (Rupees One crore Twenty lakhs only) which has been entirely deposited in the account of the Applicant and thereafter Applicant has deposited the same in the account of various persons i.e. Co-accused.

13. The Supreme Court in the case of ***Nikita Jagganath Shetty alias Nikita Vishwajeet Jadhav v. State of Maharashtra***[2], has held that the Anticipatory Bail is an exceptional remedy and ought not to be granted in a routine manner. There must exist strong reasons for extending indulgence of this extraordinary remedy to a person accused of grave offences. It has been further held that while called upon to exercise the said power, the Court concerned has to be very cautious as the grant of interim protection or protection to the accused in serious cases may lead to miscarriage of justice and may hamper the investigation to a great extent as it may

2 2025 SCC OnLine SC 1489

sometimes lead to tampering or distraction of the evidence. The said observations of the Supreme Court are squarely applicable to the present case.

14. Thus, in the facts and circumstances no case is made out for grant of Anticipatory Bail. The Anticipatory Bail Application is dismissed.

(MADHAV J. JAMDAR, J.)