IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 212 OF 2026

Gangadas G. Patel
(a.k.a. Girish Patel) ...Applicant
V/s.
The State of Maharashtra & Anr. ...Respondents.

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Mr. Karan Kadam a/w. Mr. Mormik Shah, Mr. Rishabh Dhanuka, Mr.Zaki Ansari, Mr. Vamsh Shetty i/b Agarwal & Dhanuka Legal for the Applicant.
Mr. V.N. Sagare, APP for the Respondent/State.
Mr. Aniket Nikam i/b Mr. Vinay Kumar for the Respondent No.2/ First Informant.
PI Pravin S. Patil and PSI Shekhar A. Pawar, Juhu Police Station are present.

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CORAM : N.R. BORKAR, J.
DATE : 30.01.2026.

P.C. :

1. This is an application for anticipatory bail.

2. The applicant is apprehending his arrest in Crime No. 1249 of 2025 registered at Juhu Police Station, Mumbai for the offences punishable under Sections 406 and 420 read with 34 of the Indian Penal Code (IPC).

3. The applicant is accused No.2 in the aforesaid crime. It is the case of the prosecution that in the year 2018, accused No.1 approached the first informant seeking a friendly unsecured loan with an assurance to pay 15% interest on cash transactions as

well as 21% interest on cheque transactions. It is alleged that on 9th March 2018, the first informant transferred an amount of Rs.2.70 Crores vide cheque to the accused No.1.

4. It is further alleged that on 4th May 2018, on instructions of accused No.1, one Vimal Solanki transferred an amount of Rs.50 Lakhs into the bank account of the partnership firm of the present applicant viz., DND Reality LLP (for short "DND Reality Firm"). Subsequently, on 14th May 2018, again on the instructions of accused No.1, one Chandra Solanki transferred an amount of Rs.40 Lakhs to the bank account of said DND Reality Firm. Thereafter, on 30th May 2018, one Jashree Jain on the instructions of accused No.1 transferred an amount of Rs.40 Lakhs to the bank account of DND Reality Firm. On 31st May 2018, as per the instructions of accused No.1, the first informant transferred an amount of Rs.1 Crore to the bank account of the said DND Reality Firm.

5. It is further alleged that on 6th August 2018, as per the instructions of accused No.1, the first informant alongwith one Mangilal Bishnoi visited the applicant's store situated at Vile Parle Shopping Center, Vile Parle (W), Mumbai (for short "Store") and gave him cash amounting to Rs.75 Lakhs. It is further alleged that on 9th August 2018, the first informant along with Mangilal Bishnoi again visited the applicant's Store and gave cash amount of Rs.25 Lakhs to him.

6. On 11th August 2018, according to the first informant, he again visited the applicant’s store and gave an amount of Rs.40 Lakhs in cash to the applicant. It is further alleged that on 13th August 2018, the first informant alongwith Mahadev Pujari visited the applicant’s Store and gave an amount of Rs.25 Lakhs and 1.35 crores in cash to the applicant. Further on 4th February 2019, the first informant along with Mahadev Pujari again visited the applicant’s store and gave an amount of Rs.50 Lakhs in cash to the applicant.

7. It is alleged that for certain period the accused No.1 paid interest on the amounts advanced by the first informant and stopped paying the interest since October 2018. It is further alleged that accused No.1 thereafter started avoiding contact with the first informant, therefore, he contacted the applicant, who promised to repay the amount advanced by him. Subsequently, due to the wedding of the daughter of the first informant, he asked the applicant to repay the amount, however, the applicant refused to repay the same. It was later revealed that the accused No.1 had allegedly purchased 8 office units at Andheri by using the amount advanced by the first informant. The allegations against the present applicant and accused No.1 are thus of defrauding the first informant to the tune of Rs.8.85 Crores.

8. I have heard the learned counsel appearing for the applicant, the learned APP for the respondent / State and learned counsel for respondent No.2/first informant.

9. Learned counsel for the applicant submits that the applicant has nothing to do with the alleged transactions between the first informant and the accused No.1. It is submitted that according to the prosecution, the applicant is the beneficiary of Rs.3.50 crores, however, there is no material to show that the applicant had received the said amount. Learned counsel for the applicant submits that even otherwise the offencess punishable under Sections 406 and 420 would not attract in the present case. In support of said submission, the learned counsel for the applicant has relied upon the judgment of the Hon'ble Supreme Court in case of ***Satishchandra R. Shah vs. State of Gujarat and Anr.***[1].

10. On the other hand learned APP for the respondent No.1/State and the learned counsel for respondent No.2/first informant submit that an amount of Rs.2.30 Crores was transferred in the bank account of DND Reality Firm in which the son of the present applicant is the partner. It is submitted that had the first informant intention to make false allegations, then he would have implicated the son of the present applicant also. It is further submitted that the applicant is the beneficiary of Rs.3.50 Crores and there are independent witnesses to that effect. Learned APP submits that to unearth the entire conspiracy, custodial interrogation of the applicant is necessary. It is submitted that considering the nature of crime, the applicant may not be released on anticipatory bail.

1 (2019) 9 SCC 148

11. I have perused the first information report. The main allegations are against the accused No.1. There are no allegations of inducement against the applicant.

12. Considering the overall facts and circumstances of the case, I am inclined to release the applicant on anticipatory bail. In the result, the following order is passed.

ORDER

A) The Application is allowed.

B) In the event of arrest of the applicant in C.R. No.1249 of 2025 registered at Juhu Police Station, Mumbai for the offences punishable under Sections 406 and 420 read with 34 of the Indian Penal Code (IPC), he be released on bail on executing P.R. Bond in the sum of Rs.25,000/- with one surety or two sureties in the like amount.

C) The applicant shall attend the concerned police station as and when called by the Investigating Officer and shall cooperate in the investigation.

D) The applicant shall not tamper with the prosecution evidence.

[N.R.BORKAR, J.]