

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

CR. ANTICIPATORY BAIL APPLICATION NO.1225 OF 2026

Mahendra Sitaram Mohite	.. Applicant
Vs.	
The State of Maharashtra, Through E.O.W., Unit-7, Mumbai and Anr.	.. Respondents

Mr. Sandeep Maurya (through V.C.) with Ms. Saavi Prashant Kanvaje and Ms. Simran Vishwakarma, Advocates for the Applicant.

Ms. Shilpa G. Talhar, Additional Public Prosecutor for the Respondent-State of Maharashtra.

Attending Officer/I.O. PSI Manoj Gujar, EOW, Mumbai is present in Court.

CORAM : GAUTAM A. ANKHAD, J.

DATE : 21ST MAY 2026

[VACATION COURT]

[THROUGH HYBRID HEARING]

P.C. :

1. By the present Application, the Applicant seeks pre-arrest bail as he apprehends arrest in First Information Report no.38 of 2026 dated 11th February 2026 registered with the Marine Drive Police Station, Mumbai under Sections 316(5), 318(4) read with Section 3(5) of the Bharatiya Nyaya Sanhita 2023, which is being subsequently transferred to the Economic Offences Wing, Mumbai and is re-numbered as C.R. no.26 of 2026.

2. Mr. Maurya, learned counsel appearing on behalf of the Applicant submits that the dispute arises between two corporate entities in relation to non-payment of invoices for supply of chemicals by M/s. BMG Chemicals Pvt. Ltd. The First Information Report has been lodged by Mr. Ketan Shah who is the Director of M/s. Chemical Corp Pvt. Ltd.

3. Mr. Maurya submits that the subject matter of C.R. no.26 of 2026 is a commercial dispute and arises from non-payment by the Company in which the Applicant is a Sales Manager. There is no element of criminality and the FIR has been lodged only to recover a monetary sum which is due and payable by the company to another company. He invites my attention to the order dated 29th April 2026 passed by this Court in Anticipatory Bail Application no.1098 of 2026 (*Geeta Mahesh Gandhi v. State of Maharashtra & Anr.*) wherein the Director of M/s. BMG Chemicals Pvt. Ltd. has been granted anticipatory bail for the alleged offences arising out of the same FIR.

4. Ms. Talhar, learned Additional Government Pleader submits that the Applicant is intrinsically involved in the transaction of sale/purchase of chemicals, as evident from several e-mails which are addressed by the Applicant.

5. A perusal of C.R. no.26 of 2026 indicates that the sale is a commercial transaction and predominantly of civil nature. Non-payment of invoices by the Company in which the Applicant is a Sales Manager has been depicted as a criminal offence. The cheques issued towards the payment of supply of chemicals have been dishonoured. The offence therefore is predominantly based on documents. *Prima facie*, the ingredients of the alleged offences are lacking. The documents are in the nature of correspondence/emails/invoices. The custodial interrogation of the Applicant is not necessary in such a case. In *Bimla Tiwari v. State of Bihar*, (2023) 7 SCC 461, the Hon'ble Supreme Court has reiterated that the process of criminal law cannot be utilized for arm-twisting and for recovery of monies. In my opinion, this is a fit case where the Application can be allowed on the following terms:-

- (a) In the event of arrest of the Applicant in First Information Report no.38 of 2026 dated 11th February 2026 registered with the Marine Drive Police Station, Mumbai, which FIR is transferred to the Economic Offences Wing, Mumbai and re-numbered as C.R. no.26 of 2026, the Applicant shall be released on bail on furnishing a P.R. Bond/S.B. Bond in the sum of

Rs.50,000/- (Rupees Fifty Thousand only) with one or two local sureties in the like amount.

- (b) The Applicant shall report to the Investigating Officer of EOW, Mumbai on 2nd and 4th Monday of every month between 11:00 AM to 12:00 Noon commencing from the month of May 2026 till the filing of the chargesheet. In the event the Applicant is required on any other day by the Investigating Officer, the Applicant shall ensure his presence before the Investigating Officer.
- (c) The Applicant shall not directly or indirectly make any inducement, threat or promise to any person/s acquainted with the facts of the case to dissuade such person/s from disclosing the facts to the Court or any police officer.
- (d) The Applicant shall not tamper with the evidence in any manner.
- (e) The Applicant shall provide the Investigating Officer with his residential address along with proof, his

contact number, e-mail and must inform the Investigating Officer of any changes to this information from time to time.

- (f) The Applicant shall co-operate with the Investigating Officer in the process of investigation of the present crime.

6. Anticipatory Bail Application no.1225 of 2026 is disposed of.

[GAUTAM A. ANKHAD, J.]