

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 1382 OF 2026

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Surya Prakash]
Age: 25 Years, Occ: Service]
R/at: No. 207, Bajanai Kovil Street,]
Vandalur, Unaimanchery, Kolapakkam,]
Melakottaiyur Post, Chengalpet]
Tamil Nadu 600127] .. Applicant

V/s.

1. The State Of Maharashtra]
through Sr. PI, Daund Police Station,]
District Pune.]

2. Vaibhav Tukaram Markad]
R/o Niravaj Gaon, Ratnaprabha Niwas,]
Samarth Nagar, Gangurde Road,]
Behind Bhandari Hospital,]
Baramati, Pune.] .. Respondents

Mr. Hrishikesh P. Giri a/w Mr. Swapnil R. Chopade & Mr. Abhineet N. Pange
for Applicant.

Mr. Tanveer Khan – APP for Respondent - State.

Mr. Joel Carlos for First Informant.

CORAM : FARHAN P. DUBASH, J.

RESERVED ON : 1st JUNE 2026
PRONOUNCED ON : 3rd JUNE 2026
(VACATION COURT)

ORDER:

1. By the present Application, the Applicant seeks pre-arrest bail in First Information Report **(FIR)** bearing C.R. No.0037 of 2026 dated 20th January 2026 registered with Daund Police Station, Pune Rural, for the alleged offences punishable under Sections 3(5), 316(2), 318(4), 336(3), 338, 340(2) and 61(2) of the Bharatiya Nyaya Sanhita, 2023 **(BNS)**. The Applicant, Mr. Suryaprakash, who is the proprietor of M/s. Winmin Metals, Chengalpattu, Kanchipuram, Tamil Nadu **(Winmin Metals)** is named as accused no. 1 in the FIR along with Mr. Sameer Abdulkhader Sheikh, Mr. Sandeepan Girmakar, service engineer of Rice Lake Weighing System, and 4 to 5 other accomplices.
2. For the purposes of deciding the present Application, it is necessary to set out the relevant facts in brief, which are set out hereunder:
 - i. The complainant/first informant, Mr. Vaibhav Tukaram Markad is working in Daund Sugar Pvt. Ltd. **(Factory)**, Alegaon, Taluka Daund, District Pune, and, according to the FIR, he was promoted as Sales and Marketing Manager with effect from 1st May 2025. The FIR states that as part of his duties, he was looking after the sale of the Factory's products and scrap material under the guidance of the management.

- ii. As noted in the FIR, the Factory is engaged in the sale of broken-down machinery and spare parts of the machines under maintenance or modification are kept as scrap at the scrap yard in the Factory. As per the general procedure followed by the Factory which is noted in the FIR, it is revealed that pursuant to sanction from its management, a scrap tender is issued along with a detailed list of scrap material to scrappers, who are called to the Factory to see the scrap and quote their rates for its purchase and thereafter, the sale order is given to the person/party who quotes the best/highest rate for the scrap material. The FIR then mentions the procedure followed by the successful party whilst lifting the scrap material from the Factory namely, the vehicle in which the scrap material is loaded is weighed on the Factory's weighing scale and thereafter, the amount that is payable to the Factory (per kg) is computed on the basis of the said weight.
- iii. The FIR reveals that in June 2024, Winmin Metals was awarded a tender for disposal of scrap material which was successfully completed.
- iv. Thereafter, in February 2025, Winmin Metals was once again

the successful bidder in another tender that was floated by the Factory for sale of scrap material. Accordingly, between 9th April 2025 and 15th December 2025, Winmin Metals is stated to have lifted 36 goods trucks weighing 3,67,770 kilograms of scrap material at the contracted rate of Rs. 33.40 per kg for which, they have made payment of the entire consideration of Rs. 1,22,83,518/- to the Factory. Thus, the said contract was successfully completed without any complaints from either party.

- v. However, sometime on 10th January 2026, the complainant received a call from one Mr. Sachin Shingare of Jarandeshwar Sugar Mills Pvt. Ltd, who is stated to have informed him that Winmin Metals had cheated them in a contract for sale of scrap material by tampering with the weighing scale. The complainant was informed that when this was discovered by Jarandeshwar Sugar Mills Pvt. Ltd., they were constrained to lodge an FIR against the Applicant. Accordingly, Crime No.4 of 2026 was registered with the Koregaon Police Station, District Satara, on 10th January 2026 for the offences punishable under Sections 61(2), 351(2), 323, 318(4), 317(4), 316(2), 314, 309(4), 3(5), 115(2) of the BNS.

- vi. Pursuant thereto, the FIR states that the complainant informed the Acting/Executive Director of the Factory about the information received by him from Jarandeshwar Sugar Mills Pvt. Ltd. Thereafter, the FIR states that upon inquiry conducted by the Factory, it was revealed that the Applicant, along with four to five accomplices had placed electronic chips in the Rice Lake and Every weighing scales at the Factory. The FIR further alleges that a remote electronic device was used to operate the weighing scales such that when the vehicles were loaded with scrap material and weighed, a lesser weight than the actual weight would be shown on the weighing scale. As a result, Winmin Metals made lesser payment for the scrap material than what was actually lifted by them thereby cheating the Factory and caused them to suffer a loss of about Rs. 3 crores.
- vii. Pursuant to the filing of the FIR, the Applicant was constrained to approach the Additional Sessions Judge, Baramati, by filing Criminal Bail Application No.260 of 2026 seeking anticipatory bail which came to be rejected by an order dated 12th May 2026 mainly on the ground that since the amount involved was substantial and the allegations in

the FIR disclosed a *modus operandi* involving installation of an electronic chip in the weight scales, custodial interrogation of the Applicant was necessary for a thorough investigation.

3. Mr. Hrishikesh Giri, learned Counsel appearing for the Applicant, submits that the Additional Sessions Judge erred in rejecting the Applicant's prayer for anticipatory bail by disposing of the Applicant's bail application mechanically and without proper consideration and appreciation of the facts and material placed on record.
4. Mr. Giri further submits that the FIR itself came to be lodged on 20th January 2026 after a delay considering that the alleged incident is stated to have occurred between 9th April 2025 and 15th December 2025 without any satisfactory explanation justifying the delay. Moreover, it is argued that the allegations made in the FIR were not to the knowledge of the complainant but were made only because of the information received by him via the phone call from Jarandeshwar Sugar Mills Pvt. Ltd. He contends that the complainant has not been able to produce any proof in support of the allegations made in the FIR.
5. It is further submitted that the Applicant is a permanent resident of Tamil Nadu, has roots in society, and is willing to face trial and that

the Applicant is the sole bread earner in his family and that if he is sent to jail, his family members would suffer undue hardship.

6. Lastly, he contends that the Applicant has already been granted interim protection by this Court pursuant to the Crime No.4 of 2026 filed in the Koregaon Police Station, Satara and Crime No.0053 of 2026 filed in the Paranda Police Station, Osmanabad in the two other complaints where similar allegations of cheating by altering the weighing scale were made against him. Mr. Giri further submits that the Applicant is willing to cooperate with the investigating agency, attend the police station, produce documents and equipment, and abide by any condition that may be imposed by this Court.
7. On the other hand, the learned APP, Mr. Tanveer Khan opposes the Application and submits that since three complaints (in Satara, Osmanabad and Daund, Pune) have now been made against the Applicant involving a similar *modus operandi* of manipulation of weighing scale by using chips to cheat the opposite parties, a thorough inquiry is required to be conducted by the investigating officer for which custodial interrogation was necessary.
8. He further submitted that if one were to consider the 3 complaints, the Applicant has committed cheating and fraud of more than several

crores. He further submits that the Applicant is not co-operating in the investigation and has remained absconding. He therefore submits that the Applicant is not entitled to any pre-arrest protection.

9. Mr. Joel Carlos, learned Counsel appears on behalf of the first informant / complainant and reiterates the submissions made by the learned APP. He vehemently opposes anticipatory bail as sought by the Applicant. He is at pains to point out the manner in which the Applicant has dishonestly cheated the Factory out of crores of rupees. He submits that looking to the nature of the crime committed, there is every chance that the Applicant would abscond and therefore, it is necessary that his custodial interrogation is permitted by the investigating officer.
10. I have perused the record and considered the rival submissions made by the parties. The allegations in the FIR pertain to offences of cheating, forgery, criminal breach of trust and manipulation of weighing equipment in relation to transactions involving sale of scrap material.
11. It is not in dispute that Winmin Metals was awarded the contract on the basis of the price quoted by the Applicant. No fraud is alleged in this regard. The transactions in question are commercial in nature.

The FIR itself confirms that pursuant to the contract awarded to Winmin Metals, it has made payment of Rs. 1,22,83,518/- to the Factory towards the scrap lifted under the contract.

12. It is also relevant to note that the present FIR appears to have been registered based on information received by the complainant and the suspicion generated in a connected investigation involving Jarandeshwar Sugar Mills Pvt. Ltd. On perusal of the record, it is revealed that in the connected cases registered at the Koregaon Police Station, Satara and Paranda Police Station, interim protection has already been granted to the Applicant. In Anticipatory Bail Application No. 286 of 2026 filed in connection with the FIR lodged before the Koregaon Police Station, Satara, the Kolhapur Bench of this Court (Pravin S. Patil J.) has expressly noted that the Applicant was not present on the day of the incident and that the allegations made were only to the effect that the trucks which were carrying scrap material had more scrap than what was mentioned in the receipt. By an order dated 15th May 2026, the Applicant was therefore granted interim protection subject to conditions imposed therein. In the other Anticipatory Bail Application No. 755 of 2026 filed in connection with the FIR lodged before the Paranda Police Station,

Osmanabad, the Aurangabad Bench of this Court (Siddheshwar S. Thombre J.) also granted interim protection to the Applicant in an order dated 19th May 2026, till the next date subject to the conditions imposed therein.

13. The aforesaid two orders are certainly relevant in the present matter whilst considering the Applicant's prayer for pre-arrest protection. The allegations against the Applicant in the present matter are similar to those that have been made against him in the other two FIR's. After the passing of the said orders, there is no complaint and/or grievance against the Applicant either to the effect that he is absconding or that he is not cooperating with the investigation. Naturally so, since both these conditions are imposed in the aforementioned two orders passed by the Kolhapur Bench and the Aurangabad Bench of this Court granting interim protection to the Applicant failing which, the said protection is liable to be cancelled. In fact, Mr. Giri also tendered a document which reveals that the Applicant had attended the Paranda Police Station on 30th and 31st May 2026 in connection with the investigation that was carried out there.
14. In the order dated 12th May 2026, the Additional Sessions Judge

rejected the Applicant's prayer for anticipatory bail by holding that his physical custody was necessary to investigate the *modus operandi* in the matter. However, except for a general assertion that custodial interrogation is necessary for thorough investigation, no specific material has been pointed out to demonstrate and/or establish any reason why such custodial interrogation of the Applicant is indispensable at this stage.

15. It is settled law as held by the Apex Court in ***Siddharam Satlingappa Mhetre v State of Maharashtra***¹ that whilst considering a prayer for grant of anticipatory bail, a balance has to be struck between two factors, namely, that no prejudice should be caused to the free, fair and full investigation, and that harassment, humiliation and unjustified detention of the accused should be prevented.
16. Having regard to the nature of the accusations, the material placed on record, the fact that the Applicant has also been granted interim protection in the other two matters and the absence of specific material showing why custodial interrogation of the Applicant is indispensable at this stage, I am of the view that custodial interrogation of the Applicant is not warranted at this stage and

1 (2011) 1 SCC 694

hence, the Applicant is entitled to interim protection.

17. Considering this, the present Anticipatory Bail Application is allowed on the following terms:

- a) In the event of arrest of the Applicant in C.R. No.0037 of 2026 dated 20th January 2026 registered with Daund Police Station, Pune Rural, for the offences punishable under Sections 3(5), 316(2), 318(4), 336(3), 338, 340(2) and 61(2) of the Bharatiya Nyaya Sanhita, 2023, the Applicant shall be released on bail on furnishing P.R. Bond/S.B. Bond in the sum of Rs. 50,000/- with one or two sureties in the like amount.
- b) The Applicant shall report to the Investigating Officer of Daund Police Station on every Thursday between 11.00 a.m. and 2.00 p.m. commencing from the date of this order. Thereafter, as and when called upon by the Investigating Officer, the Applicant shall ensure his presence before the Investigating Officer.
- c) The Applicant shall cooperate with the investigation and shall produce all documents, invoices, transport records, equipment, and any other material which may be sought by the Investigating Officer and which are alleged to be in his

possession, custody or control.

- d) The Applicant shall not directly or indirectly tamper with the evidence nor influence any witnesses or persons concerned with the case.
- e) The Applicant shall not leave India without prior permission of the Trial Court.

18. In the event the Applicant violates any of the conditions specified in this order, the anticipatory bail granted herein shall be liable to be cancelled. It is clarified that the observations made in this order are limited to the disposal of the present Application, and the Trial Court shall proceed in the matter without being influenced by the observations made hereinabove.

(FARHAN P. DUBASH, J.)

Shubham Gadhavepatil