MHCC020091322026

IN THE COURT OF SESSION FOR GREATER MUMBAI AT MUMBAI

ANTICIPATORY BAIL APPLICATION NO.1134 OF 2026
IN
(C.R. NO. 436/2026)

Mr. Ashish Sureshbhai Doshi
Age: 47 Years, Occupation : Business,
Address: 2/468B, Bhaveshwar Kripa,
Near, Maheshwari Udyan, Matunga,
Mumbai- 400 019. **... Applicant**

Vs.

The State of Maharashtra
(Through of **Mulund Police Station** vide C. R.
No.436/2026) **... Respondent**

Appearance :-

Mr. Nikhil Choudhary i/b. Adv. Amarjeet Kore, Ld. Advocate for the Applicant.
Mr. Arun Phatke, Ld. APP for the Respondent.

CORAM: H H THE ADDL. SESSIONS JUDGE
SHRI. V. B. BOHRA (Court Room No.27)
DATE : 30th June, 2026

The applicant has filed this application under Section 438 of Code of Criminal Procedure (in short Cr.P.C.) (Section 482 of the Bhartiya Nyay Suraksha Sanhita, 2023) for grant of pre-arrest bail in connection with Crime No.436/2026 registered with Mulund Police Station, Mumbai for an offence punishable under Sections 406 and 420 read with Section 34 of the Indian Penal Code (in short IPC).

2. According to him, there is no allegations against him in the FIR. His name is not there in the FIR. There was considerable long unexplained delay in lodging the FIR. The informant Yashwant Pawar has suppressed certain facts in the FIR. He had been to the applicant through accused Kartik Vasani for financial assistance for starting new business. Accordingly, the applicant had advanced sum of Rs.7 Lakhs to him in cash on several installments during the period from January 2022 to February 2022. As agreed, the informant Yashwant had repaid that amount to the applicant in the Month of March 2022 itself. Thereafter, again the informant Yashwant had approached the applicant through accused Kartik for financial assistance. Accordingly, the applicant had advanced Rs.19 Lakhs in various installments to the informant in cash. As a security, the informant Yashwant has handed over post dated cheques to the applicant. As agreed, rather, by delaying for six to seven days, the informant Yashwant had cleared all dues of the applicant.

3. It is the further the case of the applicant that, he has not played any role in the commission of alleged crime. Ingredients of alleged offences are not made out against him. Merely, because of certain financial transactions with the informant Yashwant as well as, accused Kartik Vasani, the police had issued notice to him under Section 35(3) of the BNSS. Hence, he has apprehension in his mind that, police may arrest him in the crime. His custodial interrogation is not necessary as, documentary evidence is very much available with the police. He is businessman. He is ready to co-operate the investigating agency by remaining present before the Investigating Officer. No capital punishment is provided. He is also ready to comply the conditions imposed by this Court in the event of allowing the application. He has

prayed accordingly.

4. The Ld. IO and Ld. APP have opposed the application by filing reply at Exh.2. According to them, the applicant is the beneficiary in the alleged crime, as certain amount came to be credited to his bank account from the account of the informant and from the account of one Hemlata Giri. Further, certain amount came to be credited to the account of accused Kartik Vasani and witness Santosh Jadhav from the bank account of the applicant. In such circumstances, according to them, custodial interrogation of the applicant is necessary. He failed to respond to the notice issued to him under Section 35(3) of BNSS. Accordingly, they have prayed for rejection of the application.

5. Heard both sides, more particularly, the applicant at length. His advocate has placed reliance on the judgment passed by ***the Hon'ble Bombay High Court on 25.11.2025*** in ***Anticipatory Bail Application No.2633 of 2025 in between Shyamsundar Radhyesham Agarwal V/s. State of Maharashtra***.

6. I have gone through the rival submission, rival contentions of the parties, relevant provisions of law, documents produced by the applicant, judgment cited supra and the record of this proceeding.

7. Reading of the FIR would reveal that, the period of occurrence of alleged offence is in between 15.01.2022 and 30.05.2022. However, the police was informed about that, on 23.10.2025. The FIR came to be registered on 30.03.2026. The column No.8 of the printed FIR is silent about the reasons of delay. I am aware that, the point of delay is not material while adjudicating the application for bail.

However, along with the other circumstances on record, the aspect of delay is required to be kept in mind.

8. I have minutely gone through the contents of the FIR. The applicant is not named in the FIR. Not a single allegation is made against him. In other words, he is not made accused in the FIR. In the FIR itself, 13 transactions are reflected, which shows that, on 13.05.2022 an amount of Rs.14 Lakhs was transferred from the account of the informant Yashwant to the bank account of the applicant. One similar entry dated 18.05.2022 for amount of Rs.1.23 Lakhs is also there. It is the case of the prosecution that, out of the entry of Rs.5 Lakhs dated 18.05.2022 transferred to the account of one Hemlata Giri, certain amount came to be transferred to the account of the applicant. Except, these three entries, no single allegation is there in the FIR against the applicant.

9. As against this, the applicant has come with the specific case that, he had provided financial assistance of Rs.7 Lakhs to the informant Yashwant, which was duly repaid by the informant. To substantiate this, the applicant has produced extract of his account maintained with Bank of Baroda.

10. The applicant has also produced extract of his bank account maintained with YES Bank. The said account extract suggested certain financial dealings in between the applicant and the accused Kartik Vasani and witness Santosh Jadhav. However, that itself cannot be said to be sufficient to link the applicant with the crime in question, more particularly, when the FIR itself is silent about the role played by him.

11. The applicant has also produced on record, photocopies of three cheques issued by the informant Yashwant in his favour form his bank account with the Bank of Baroda. By that, the contention of the applicant that, there was financial dealings between himself and the informant Yashwant and in security he issued post dated cheques in favour of the applicant, found support. As per the FIR, it is alleged that, the accused persons name in the FIR, more particularly, on the say of accused Bhavesh, he has opened account with the "Sarvodaya Bank of Smile".

12. In the facts and circumstances stated above, this is the fit case to exercise discretion in favour of the applicant. No doubt, in view of certain financial dealings between the applicant and the accused Kartik Vasani, some sort of interrogation or investigation from the applicant is required. However, for that, his custody is not necessary. He has shown his willingness to co-operate the investigating agency. Moreover, the requirement of the investigating agency can be fullfilled by imposing conditions on the applicant.

13. No criminal history is reported against the applicant. He is businessman. No capital punishment is provided under any of the alleged offences. Maximum imprisonment for Seven years is provided. Bail is a rule and jail in an exception. Further, the ratio laid down by the Hon'ble Bombay High Court in the precedent cited supra is helpful to the applicant.

14. For the reasons stated above, the application needs consideration, obviously on certain conditions. Accordingly, I proceed to pass following order :-

ORDER

1. Anticipatory Bail Application **No.1134 of 2026 is allowed**.

2. In the event of arrest of the applicant **Mr. Ashish Sureshbhai Doshi** in connection with Crime No.436/2026 registered with Mulund Police Station, Mumbai for the offence punishable under Sections 406 and 420 read with Section 34 of the IPC, he shall be released on bail on his executing PR bond of **Rs.1,00,000/- (Rupees One Lakh)** with one surety in the like amount, to the satisfaction of the Ld. Investigating Officer, subject to the following conditions :-

(i) The applicant shall cooperate the investigating agency and attend the Mulund Police Station on Saturday 04.07.2026, Sunday 05.07.2026, Sunday 12.07.2026 and thereafter, as and when called by the Ld. Investigating Officer.

(ii) The applicant shall not directly or indirectly induce, threaten, or pressurize any person acquainted with the facts of the case to prevent them from disclosing such facts to the Investigating Agency and to the Court.

(iii) The applicant shall not leave India without prior permission of the Ld. Trial Court.

3. Anticipatory Bail Application No.1134 of 2026 is disposed off.

VIJAYKUMAR BADRIPRASAD BOHRA

Digitally signed by VIJAYKUMAR BADRIPRASAD BOHRA
Date: 2026.06.30 12:48:56 +0530

(V. B. BOHRA)
Additional Sessions Judge
Court No.27
City Civil and Sessions Court
Gr. Mumbai

Date: 30.06.2026

Directly typed on
Computer : 30.06.2026
Signed on : 30.06.2026

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Mr. Ashok Sudhakar Patil</td></tr>
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