

MHTH270008922026



ORDER BELOW EXH.1 IN CRI. BAIL APPL. NO.448/2026

Mrs. Meena Bhupinder Jain vs. State of Maharashtra
(Date : 17.07.2026.)

The applicant **Mrs. Meena Bhupinder Jain**, apprehending her arrest in Crime No.214/2026 registered at Vashi Police Station, District Thane, for the offences punishable under sections 318(4), 316(2), 3(5) of The Bharatiya Nyaya Sanhita, 2023, has prayed for protection from her arrest.

2. Facts of C.R. No.214/2026 :-

From the year 2007 till today the applicant and other co-accused persons, the partners of M/s Yash Enterprises, in furtherance of their common intention, avoided to give the profit of Rs.3,07,92,749/- to the informant, sold the flats to third parties and misappropriated the money and they thereby committed above offences.

3. Submissions :-

The learned counsel appearing for the applicant urges that the applicant is falsely implicated in the case, there is a civil dispute between the parties, the tripartite agreement is dated 21.01.2007, the partnership is dated 09.02.2007,

construction permission was obtained on 23.08.2007, the Hon'ble Bombay High Court appointed sole arbitrator to adjudicate upon the disputes and differences between the parties vide order dated 01.12.2025, therefore the only purpose of lodging F.I.R. is to humiliate the applicant by having her arrested. He has further argued that the applicant is a respectable woman in the society and has never come to the adverse notice of any law enforcing authority, the applicant does not have any past criminal record and she is not previous convict, the applicant will suffer humiliation if arrested, the applicant has no desire to evade the due process of law and shall face the trial to vindicate her innocence, the applicant undertakes not to misuse the bail and also undertakes to abide by the terms of the bail orders and therefore she be protected from arrest.

b) The learned A.P.P., relying on the reply filed by investigating officer (Exh.7), submits that the allegations in the F.I.R. are sufficient to demonstrate a *prima facie* case involving serious, non-bailable offences. She argues that the applicant and co-accused misappropriated huge sums of money of the informant in the development of plots, they did not give half portion of the informant which is to be tune of Rs.3,07,92,749/- to her. She further asserts that specific role has been attributed to the applicant, making her custodial interrogation essential for an effective and complete

investigation. It is further contended that the applicant is an affluent individual wielding considerable influence, creating a strong apprehension of witness tampering or interference with the ongoing investigation. Consequently, the learned A.P.P. has prayed for the rejection of the application. The informant has appeared and brought to the notice of the court that C.R. No. 162/2023 is registered at Nhava Sheva police station against the applicant for commission of an offence punishable under section 420 of I.P.C. Learned counsel for the informant has relied upon judgment of Hon'ble Apex Court in **M/s MEDCHL Chemicals and Pharma Private Limited vs. M/s Biological E. Limited and others [AIR 2000 SC 1869]** to submit that it cannot be said that the complaint does not disclose the commission of an offence merely because the offence was committed during the course of commercial transaction and an arbitration clause in the agreement is not substitute for a criminal prosecution when the disputed act is an offence.

4. Analysis, interpretation and case laws (if any) :-

a) It is a settled principle across a catena of decisions by the Hon'ble Apex Court that while deciding a bail application, the Court must refrain from undertaking a detailed, microscopic analysis of the evidence. The focus must remain on whether a *prima facie* case exists, considering the gravity and seriousness of the underlined offences.

b) The primary factors to be borne in mind while considering an application for bail under section 482 of BNSS include :

- i) The nature of accusation and severity of the potential punishment upon conviction;
- ii) The nature of the material relied upon by the prosecution;
- iii) A reasonable apprehension of tampering with witnesses or threatening the informant;
- iv) The danger of the accused absconding or fleeing from justice;
- v) The character, behaviour, means and standing of the accused;
- vi) The likelihood of the offence being repeated; and
- vii) The larger interest of the public or the State.

c) After perusing the application, examining the contents of the F.I.R., evaluating the reply (Exh.7), hearing both counsels, the F.I.R. relates to an agreement executed way back in the year 2007 i.e. prior to 19 years. Moreover, the applicant's firm has approached Hon'ble Bombay High Court and the arbitrator is appointed to resolve the disputes and differences between the parties. Considering the aforesaid time lapse and pendency of arbitration proceeding, and the events that have taken place in last so many years, it is difficult to conclude at this stage whether there is a breach of an agreement or the disputed act is an offence. There is huge delay in lodging the F.I.R. In the said backdrop, the arrest and custodial interrogation of the applicant is not warranted to further the investigation. The applicant does not have any criminal

antecedents as per the statements in the application. The applicant is resident of Vashi, Navi Mumbai, Maharashtra State. As such, no flight risk is associated with the applicant. Considering the totality of the facts and circumstances emanating from the record and considering the nature and gravity of accusations against the applicant, she is entitled for protection from arrest. Hence, following order is passed:-

ORDER

1.	The anticipatory bail application no. 448/2026 is allowed and disposed of.	
2.	In the event of arrest of the applicant Mrs. Meena Bhupinder Jain , Age 54 Yrs. Occu. Business, R/o 1001, Rehja Residency, M. G. Complex, Sector 14, Vashi, Navi Mumbai, in Crime No.214/2026 of Vashi Police Station, District Thane for the offences punishable under sections 318(4), 316(2), 3(5) of BNS, she shall be released on P.R.bond of Rs.50,000/- and surety in the like amount on following conditions :-	
	(a)	The applicant shall make herself available for interrogation by the investigating officer as and when required and shall co-operate him.
	(b)	The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of the case so as to dissuade them from disclosing such facts to the Court or to the police officer or tamper with the evidence.
	(c)	The applicant shall not commit an offence similar to the offence of which she is suspected.
	(d)	It shall be mandatory for the applicant and her surety to inform the police authorities as well as

		this Court the change of their residential address while the accused/applicant is on bail.
	(e)	The applicant shall not leave India without previous permission of this Court.
3.	Inform concerned police station accordingly.	

Date : 17.07.2026

(C. V. Marathe)
Additional Sessions Judge, Belapur.

CERTIFICATE

I affirm that the contents of this PDF judgment /order are same word to word as per the original order.	
Name of the Stenographer	: M. P. Joshi Steno Grade-1
Name of the Court	: District Judge-1 & Addl. Sessions Judge, Belapur.
Date of the Judgment/Order	: 17.07.2026
Judgment /Order signed by the P.O. on	: 17.07.2026
Judgment/Order uploaded on	: 17.07.2026

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