

MHCC050034372026



IN THE COURT OF SESSIONS, AT DINDOSHI
(BORIVALI DIVISION), GOREGAON, MUMBAI

CRIMINAL BAIL APPLICATION NO. 617 OF 2026
(CNR No.:MHCC050034372026)

IN
(C.R. NO.943/2025 OF MALAD POLICE STATION)

Dipak Kirit Shah	]	
(In Judicial custody)	]	
Indian Inhabitant, 47 years,	]	
Permanent resident of:	]	
B/108, Rampratiksha Building,	]	
Indralok-Phase-2, New Golden Nest,	]	... Applicant/
Thane, Maharashtra-401105.	]	Accused

Versus

The State of Maharashtra	]	
Through Malad Police Station	]	... Respondent

Applicant : Ld. Advocate Manish Kanojia
Prosecution : Ld. APP Sachin Jadhav

CORAM : H.H. ADDITIONAL SESSIONS JUDGE
NEETA S. ANEKAR (C.R.NO.03)

DATE : 11th AUGUST, 2026.

:: ORDER ::

This bail application is filed under section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023 (in short "BNSS") in connection with

Crime No.943 of 2025 registered with Malad Police Station for the offences punishable under Sections 318(4), 319(2), 336(3), 337, 338, 340(2), 61(1) r/w 3(5) of Bharatiya Nyaya Sanhita, 2023 (in short “BNS”).

The brief facts of the prosecution case are as under:-

2. The First Information Report has been lodged by the informant on 29.12.2025, stating that in April 2024 the informant wanted to purchase a flat at Malad area. In November 2025, he was searching a flat on the website 99acres. He received a call from Shiv Enterprise, and he was sent with the details of two flats. Accordingly, the flats were shown to the informant. On 21.11.2025, the details of one more flat have sent to the wife of the informant. They have seen that flat, the consideration amount of the same was informed to the informant to be 1 crore 10 lacks. The informant gave cheque of Rs.1,00,000/- for the flat, and cash amount of Rs.4,00,000/-. During this transaction the informant was told that one Popatlal is the owner of the said flat. The informant has given three cheques to Popatlal. However, thereafter Amit Thakur refused to give the phone number of Popatlal to the informant. When informant talked with Amit Thakur it was told to him that the sister of Popatlal is suffering with Cancer. Thereafter time to time the informant made phone call to Amit Thakur but he started avoiding the informant. Thereafter informant came to know that the person to whom he had given the cheques is not Popatlal. Thus, from November-2025 to 23.12.2025 Amit Thakur and present applicant in furtherance of their common intention brought one person before the informant and told him that, the said person is Popatlal and thereby obtained amount of Rs.4,00,000/- in cash and amount of Rs.26,00,000/- by cheque and thereby cheated the informant.

Therefore, First Information Report has been lodged against the accused bearing C.R.No.943 of 2025 has been registered against the accused for the offences punishable u/s. 318(4), 319(2), 336(3), 337, 338, 340(2), 61(1), 3(5) of Bharatiya Nyaya Sanhita, 2023.

3. Ld. Advocate for the applicant/accused while advancing arguments submitted that, the accused is innocent and falsely implicated in the offence. He came to be arrested in the present offence on 13.01.2026 and since then he is behind bars. The investigation is completed and charge-sheet is filed. No recovery remains to be effected from the present applicant/accused. No amount out of alleged cheated money has been transferred into the personal account of the present applicant/accused. There is no allegation that the applicant/accused has prepared any forged document, forged identity proof. The applicant/accused has co-operated the investigation. He is permanent resident of Mumbai and has no criminal antecedents. The applicant/accused is suffering from various medical ailments and has a history of continuous medical treatment. He is ready to abide all condition that may be imposed by the court. Hence, the application.

4. The application has been resisted by the prosecution by filing reply at Exh.3 contending that, the present applicant/accused conspired with the main accused and induced the informant to purchase the flat. He was present with the other accused at the time of meeting of the informant. The present applicant/accused alongwith other accused have taken cash amount of Rs.4,00,000/- and cheque of Rs.26,00,000/- from the informant. The offences bearing CR No.506/2026 and CR No.1116/2015 are registered against the applicant/accused and the main accused with Mira Road police station

and Dahisar police station. If the application is considered, there is every possibility of tampering of prosecution evidence and absconding of applicant/accused. Therefore, prosecution has prayed for the rejection of the present application.

5. I have heard both the sides. I have gone through the charge-sheet. On perusal of the charge-sheet, it is seen that the present applicant/accused came to be arrested on 13.01.2026, and since then he is behind bars. The charge-sheet further goes to show that, from one of the accused amount of Rs.10,500/- has been recovered and panchnama came to be drawn to that effect. The charge-sheet further goes to show that the informant has given cheque to one Popatlal who was infact the accused by name Nimesh Mewani, while handing over the said amount, the photograph was taken. The said photograph was taken in the pendrive and the said pendrive has been seized by panchanam dated 29.01.2026. The Honda City motorcar has been seized and panchnama has been drawn. The statements of witnesses have been recorded. Requisite documents have been collected during investigation and after collecting sufficient evidence, the charge-sheet has been submitted before the court.

6. There is no recovery effected from the present applicant/accused. However, it is the case of the prosecution that in the meeting with the informant, the present applicant/accused was present and in his presence, the cash amount and the cheques were accepted by the other accused. Therefore, offence punishable under Section 3(5) of the BNS has been registered against the applicant/accused. The First Information Report does not go to show that he is the actual beneficiary of the offence. But, the First Information Report goes to show his active

involvement in the offence. However, the present applicant/accused has been arrested on 13.01.2026 and since then he is behind bars. The investigation is completed and charge-sheet is also filed before the court. The trial will take its own course and time. In such circumstances, keeping the accused behind bars would amount to his pre-trial conviction. On perusal of the charge-sheet it is seen that, the Investigating Officer has sought permission to submit supplementary charge-sheet as per Section 193(9) of BNSS, if some more material is collected during further investigation. In such a case, the applicant/accused can be directed to co-operate such further investigation, if any. Therefore, when the present accused is arrested on 13.01.2026, and when charge-sheet is filed, I am inclined to consider the present application, that to on considering his medical history. Therefore, I am of the view that the purpose can be served by imposing conditions on the applicant/accused. Hence, the order:

O R D E R

1. Criminal Bail Application No.617 of 2026 is allowed.
2. The accused by name **Dipak Kirit Shah** be released on bail on his furnishing P. R. Bond of Rs.30,000/- alongwith one or two solvent sureties in the like amount in connection with Crime No.943 of 2025 registered with Malad Police Station for the offences punishable under Sections 318(4), 319(2), 336(3), 337, 338, 340(2), 61(1) r/w 3(5) of Bharatiya Nyaya Sanhita, 2023 (in short "BNS").
3. The applicant/accused is directed to present himself before the Investigating Officer for further investigation, if any, as and when required by the Investigating Officer in writing.
4. The accused shall not directly or indirectly, make any inducement, threat or promise to any person acquainted with the

facts of the case so as to dissuade him from disclosing such facts to the Court or to any Police Officer.

5. The accused shall furnish his residential address proof and contact numbers to the Investigating Office and the Ld. Trial Court.
6. The accused to attend the court dates without fail.
7. The accused shall not leave India without the previous permission of Ld. Trial court.
8. Breach of any conditions would amount to cancellation of bail.
9. Bail before Ld. Magistrate.
10. Criminal Bail Application No.617 of 2026 stands disposed of accordingly.

(Dictated and Pronounced in the open court)

Date : 11.08.2026

(Smt. Neeta S. Anekar)
Additional Sessions Judge
City Civil Court, at Dindoshi.

Direct dictation on Computer on : 11.08.2026
Corrected and Signed on : 11.08.2026

“CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL
SIGNED JUDGMENT/ORDER”

Date : 11.08.2026
Time : 5.35 P.M.
UPLOAD DATE AND TIME

Mrs. S.A.Kapare
(Stenographer Grade-I)
NAME OF STENOGRAPHER

Name of the Judge (with Court room no.)	HHJ Smt. Neeta S. Anekar (C.R.No.3)
Date of Pronouncement of JUDGMENT/ORDER	11.08.2026
JUDGMENT/ORDER signed by P.O. on	11.08.2026
JUDGMENT/ORDER uploaded on	11.08.2026