

MHRG170004352026



IN THE COURT OF ADDITIONAL SESSIONS JUDGE ,
PANVEL-RAIGAD
ORDER BELOW EXH.01 IN CRI. BAIL APPLN. NO.1060/2025

1. **Naresh Rama Ahire**
Age-48 yrs.,
R/at- Shrivardhan Road, Dr. Baba
Saheb Ambedkar Nagar, At/Post-
Goregaon, Tal-Mangaon, Lonere,
Raigad – 402 103.
And
Om Harmony, Plot NO.267,
Sector 10, Kharghar, Navi Mumbai.

2. **Sweta Narayan Undare**
Age-30 yrs.,
R/at-Plot No.267, D-1204,
Om Harmony, Sector-10,
Kharghar, Navi Mumbai-410 210.
And
At/Post-Chinchwali, Chinchwali Road,
Tal-Mangaon, Devali, Dist-Raigad
402 103.

3. **Dhiraj Tukaram Pawar**
Age-35 yrs.,
R/at-At/Post-Purar, Tal-Mangaon,
Dist-Raigad.

...APPLICANTS

Verses.

Dinesh E. Kothalikar,
District Judge-2 and ASJ,
Panvel-Raigad.

The State of Maharashtra,
Through Kharghar Police Station.

...RESPONDENT

The learned advocate for applicants : Mr. Subhash Hulyalkar

The learned A.P.P. for State : Mr. A. S. Thakur

(DICTATED AND PRONOUNCED IN OPEN COURT)
ORDER BELOW EXH.1

1. By this application, the applicants, who are apprehending arrest, in C. R. No.394/2025 registered with Kharghar Police Station, Navi Mumbai for the offences punishable under Sections 316(2), 318(4) read with 3(5) of the Bharatiya Nyaya Sanhita, 2023, have prayed for grant of pre-arrest bail under Section 482 of the BNSS.
2. Learned advocate Mr. Subhash Hulyalkar for the applicants has submitted that applicant No.1 had presented Cheque for encashment and that when the Cheques were dishonoured, applicant No.1 had filed complaint against informant for the offence punishable under Section 138 of the Negotiable Instrument Act and therefore according to him, the informant has lodged false report against the applicant. According to him, the dispute between the parties is civil in nature and therefore allegations do not prima facie attract the offence. Thus, he has prayed for grant of pre-arrest bail.

Dinesh E. Kothalikar,
District Judge-2 and ASJ,
Panvel-Raigad.

3. In the support of submissions reliance has been placed upon following judgments;
 - a. **Jit Vinayak Arolkar Vs. State of Goa, Law Finder Doc Id # 2680489,**
 - b. **Naresh Kumar Vs. The State of Karnataka, Law Finder Doc ID # 251778,**
 - c. **Delhi Race Club (1940) Ltd. Vs. State of Uttar Pradesh, Law Finder Doc Id # 2637986,**
 - d. **S. N. Vijaylakshmi Vs. State of Karnataka, Special Leave Petition (Criminal) No.8626/2024 decided on 31/07/2025.**
4. Learned advocate Mr. Hulyalkar would further submit that mere fact that the applicant is facing other crimes is not a ground for rejecting application for pre-arrest bail. In support of submission reliance has been placed upon the judgment of Hon'ble Bombay High Court in the case of **Pradip Dnyandeo Pawar Vs. The State of Maharashtra, Criminal Anticipatory Bail Application No.756/2014 decided on 27/06/2014.**
5. Per contra, learned APP Mr. A. S. Thakur for the State has submitted that there are specific allegations against the applicant that they have shared common intention and

Dinesh E. Kothalikar,
District Judge-2 and ASJ,
Panvel-Raigad.

promised the informant to sanction loan and that for that purpose they had obtained an amount of Rs.13,25,000/- from the informant and that neither the loan process was completed nor the loan has been sanctioned by the applicant. Thus, it is claimed that prima facie allegations in respect of commission of the offence of cheating made out. According to Mr. Thakur, if pre-arrest bail as claimed by the applicant is granted it would hamper the investigation. Thus, it is prayed for rejection of the application.

6. In the light of the submission advanced before me, upon perusal of the record it is found that informant Mr. Kunal Naresh Shaha had lodged report with the allegations that he along with his father was intending to commence new business and that for that purpose they were in financial need and that on the say of Facebook friend Mr. Deva Vishay Patil, he had approached applicant No.2 Sweta for loan of Rs.5 Crore, on which applicant No.2 Sweta had informed that the informant would be required to pay 2.25% amount of the loan for stamp paper and other work and that loan would be advanced on the interest at the rate of 6% per annum.
7. It has been further alleged that thereafter applicant No.2 Sweta took informant and other to the house of applicant No.1 Naresh and that applicant No.1 Naresh had informed

Dinesh E. Kothalikar,
District Judge-2 and ASJ,
Panvel-Raigad.

that he would make the loan of Rs.5 Crore available and that entire transaction would be looked into by him and applicant No.2 Sweta. It has been further alleged that on 31/05/2024 and 01/06/2024 applicant No.2 had made phone calls to the informant and had made demand of Rs.1,00,000/- for the purpose of verification process and that accordingly the informant had transferred said amount to the account of applicant No.2 and that on 01/01/2025 he had paid an amount of Rs.1,00,000/- to applicant No.2 Sweta and applicant No.3 Dhiraj.

8. It has been further alleged that on 07/01/2025 the informant was called at Vashi in a car bearing No.RJ-14/AC-4558 and that in the said car applicant No.2 and 3 were sitting and that at that time informant had paid an amount of Rs.11.25 Lakh to applicant No.2 and that at that time the informant had made demand of receipt, but it was not handed over.
9. According to the informant, at that time he had recorded the event of delivery of cash amount to applicant No.1. It has been further claimed that on 21/01/2025 again informant was called at Fortune Hotel, Vashi and she had shown some stamp papers, but there was some dispute between the applicant No.2 and the informant and therefore she had left said spot and that later on after some

Dinesh E. Kothalikar,
District Judge-2 and ASJ,
Panvel-Raigad.

time again the informant was called by applicant No.2 at Navratna Hotel and that since the informant was in need of cash amount, he had handed over a blank Cheque bearing No.000160 drawn of Bank of Baroda to her and that at that time it was assure that the loan proposal would be sanctioned in near future.

10. It has been further alleged that on 10/02/2025 applicant No.2 Sweta had called the informant at Abott Hotel, Vashi and asked him to hand over the post stamp papers worth Rs.500/- and two Cheques duly singed by his father and four blank Cheques along with copies of PAN Card and Adhar Card. According to the informant while accepting stamp papers and Cheques applicant No.2 Sweta had disclosed that she had received an amount and that after the work of drafting was completed and supplementary agreement was drafted the signature of the informant would be obtained and it would be sent to applicant No.2 and that thereafter after the loan is sanctioned the informant would get the amount. However, according to the informant he did not receive the amount of loan and therefore he had mad phone call to applicant No.2 Sweta. At that time she had disclosed that in near future the informant would get the amount of loan and thereafter she had stopped to respond the call and therefore the

informant had made phone call to applicant No.1 Naresh. But he had given evasive answers and after some time he had also stopped respond the calls. Therefore the informant has realized that he has been deceived by applicant Nos.1 to 3 on the promise to get loan of Rs.5 Crore sanctioned and that on such promise they have obtained amount of Rs.13,25,000/- from the informant and accordingly he has lodged the report.

11. During argument learned advocate Mr. Hulyalkar has argued much on the point that the notice was issued by applicant No.1, upon dishonour of the Cheque. In this regard learned advocate Mr. M. L. Sande for the informant has brought to the notice of this court copy of the application dated 01/06/2025 to state that the informant had already approached the police and when applicant No.1 got knowledge that the informant had approached the police, he had presented the Cheques for encashment. There appears to be substance in the contention raised by learned advocate Mr. Sande for the informant.
12. According to learned advocate Mr. Hulyalkar for the applicants that applicant No.1 had paid an amount of Rs.25,00,000/- to the informant and that Cheques were issued by informant towards security of said transaction. However, when inquiry was made as to how the amount

Dinesh E. Kothalikar,
District Judge-2 and ASJ,
Panvel-Raigad.

was paid to the informant, in reply learned advocate Mr. Pravin Pisal has submitted that the amount was paid by cash. It is surprising to note here that the large sum of Rs.25,00,000/- is said to have been paid by cash, which is impermissible. However, at this juncture there is no material before this Court to show that at the time of alleged transaction of handing over the amount of Rs.25,00,000/- to the informant applicant No.1 Naresh was having that much amount in his hand. Therefore at this stage the contention advanced by learned advocate Mr. Hulyalkar that applicant No.1 paid an amount of Rs.25,00,000/- to the informant cannot be accepted.

13. Considering the fact that the informant had approached police on 01/06/2015 and thereafter the applicant No.1 had made an attempt to present the Cheque for encashment and thereafter upon dishonour of the Cheque he has initiated action under Section 138 of the N. I. Act goes to suggest that applicant No.1 was having malafide intention.
14. Had it been the case that the transaction between applicant No.1 and the informant has taken place, as suggested by applicant No.1, in that case informant had no reason to implicate applicant Nos.2 and 3 in this case.

15. It is to be noted here that in the report itself the informant has come with the contention that when he has paid an amount of Rs.11,25,000/- to applicant No.2 at that time he had video recorded the event, it goes to prima facie show that there is substance in the contention of the informant.
16. At this stage learned APP Mr. Thakur has submitted that other persons than the informant, is also present in the court, who had also made grievance against applicant No.1 that he had promised him to get loan sanctioned on commission. This Court is not oblivious of the fact that there are number of persons who roam in the society, giving assurance that they would make arrangement to see that loan is sanctioned and then obtain amount towards commission.
17. In fact, it is not case of the applicant that they are anyway concerned with the bank or financial institution, so that loan could have been sanctioned at their instance. The very fact that the amount was obtained by the applicants from the informant goes to suggest that the applicants were having intention to deceive the informant from inception of the transaction. So far as authorities relied upon by the learned advocate for the applicant are concerned in my view even by stretch of imagination they cannot be pressed into service in favour of the applicant as the facts involved

Dinesh E. Kothalikar,
District Judge-2 and ASJ,
Panvel-Raigad.

in those cases and the case in hand are altogether different.

18. Considering the large sum involved in this crime, in my view if pre-arrest bail as claimed by the applicant is granted it would hamper the investigation. Thus, I conclude that no case is made out by the applicants for pre-arrest bail.
19. In the light of this I conclude that the application sans merit deserves to be rejected. Hence, I proceed to pass following order;

:: ORDER ::

- 1) The application is hereby rejected.
- 2) Inform to concern Police Station.

(Dictated and Pronounced in open Court.)

Place : Panvel.

Date : 18/03/2026

(Dinesh E. Kothalikar)

Additional Sessions Judge, Court No.2,
Panvel Dist. Raigad.

Dinesh E. Kothalikar,
District Judge-2 and ASJ,
Panvel-Raigad.