

IN THE COURT OF JUDICIAL MAGISTRATE (FIRST CLASS)
68TH COURT, BORIVALI, MUMBAI.

C.R. NO.165/2026
Kasturba Marg Police Station
u/s 318(4), 351(2) of BNS

ORDER BELOW BAIL APPLICATION NO.1630/BA/2026

The accused Aashish Prakash Chandragiri moved out the prayer for enlargement on bail.

02. It is submission of the accused that the present case pertains to the documentary evidence and there is no intention of the accused to cheat the informant. The offence is registered only for the purpose to recover the contractual amount which it is the part of the commercial transaction amongst the accused and the informant. The informant himself invested the money for the purpose of trading in different business. Accordingly the accused himself falls prey to the financial losses which was carried out by the accused and informant. It is further submitted the remand report reflects conclusion of custodial interrogation and no further custody is warranted. The accused is having permanent residence within jurisdiction of the court. So, abscondance of the accused and fleeing away from the justice does not arise. Moreover, there is no possibility of tampering of the evidence as the material documents already collected. It is submitted that there are no criminal antecedence against the accused and presumption of absolved leads to enlargement for bail. Lastly, according to the accused he is having constitutional rights to be set at liberty.

3. On the other hand Ld. Prosector opposed the application on the ground of gravity of offence and the possibility of tampering of the evidence by the accused and fleeing away from the justice. The intervenor also by way of separate reply objected the bail prayer on several grounds including the grounds raised by the Ld. Prosecutor.

10-08-26

4. At the outset, it would be appropriate to quote the judgments of the Hon'ble Supreme Court which has been filed by the accused/applicant regarding settled position of law.

i. Shailesh Kumar Singh @ Shailesh R. Singh Vs. State of Uttar Pradesh & Ors, Criminal Appeal No.2963/2025

ii. V.Y. Jose & Anr Vs. State of Gujarat & Anr, Criminal Appeal No.2048/2008.

iii. Vesa Holdings P. Ltd & Anr Vs. State of Kerala & Ors, Criminal Appeal No.2341/2011

iv. Haridaya Rangan Pd. Verma & Ors Vs. State of Bihar & Ors, Appeal No.313-314/2000.

5. With reference to the above referred judgments, the Ld. advocate for the accused submitted the dispute is in civil nature and for the purpose to recover the amount of the contractual obligation the arrest cannot be made. Further, it is submitted the delay in FIR is also one of the grounds to allow the prayer for bail. moreover, he further submitted the allegation of FIR does not constituted the offence under section 318 of the BNS. In sum and substance as per the accused the ingredients of offence are missing.

6. Perused the record. Heard both sides. FIR allegation specifically reflects the allegation of deception by way of assurance to provide the immovable properties. It is the case of prosecution that the accused instigated the informant to make investment of huge amount for the purpose to purchase the property. During transaction he shown different area to the informant which is to be purchased. On the assurance of the accused the informant make the payment of more than Rs.37,00,000/-. The sequence of event shown start from year 2021 concluded in the year 2025 by way of registration of FIR. As far as the submission of the accused regarding the delay of lodging FIR is concerned, the submission can be gone into at the time of trial. Whether the delay is fatal to the prosecution case cannot be considered

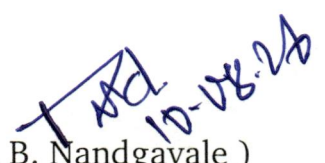
at the primary stage of investigation or remand. Reverting back to the second submission as to the non fulfillment of ingredients of section 318 of BNS. There are specific allegation of cheating and inducing the informant to deliver the money. This fact also can be decided after giving opportunity of evidence. This is not stage to consider whether the material ingredients of offence made out or not. So I am of considered view that observation relied upon by the accused are not squarely applicable to the present case.

7. Coming back to the entitlement of the accused to the bail, the record shows he was arrested on 17/06/2026. At the initial stage the custodial interrogation was done. His application for seeking pre-arrest bail was rejected by the Hon'ble Sessions Court. Thereafter, he was arrested and interrogated in respect of commission of offence and for the recovery of amount so deceived. During custodial interrogation the amount is not recovered. Now, the case is at the primary stage of the investigation. the amount is not recovered. The part of documents are collected which forms the part of investigation. In the circumstances if the accused is let free it would affect the smooth investigation. So, considering the gravity of offence and ongoing investigation, I am of the view that the accused is not deserving for bail. Further the nature of offence being socioeconomic category on that count also the accused is not entitled for bail. Accordingly, I pass following order.

ORDER

The bail application is rejected.

Mumbai.
Date : 10-08-2026


(G. B. Nandgavale)
Judicial Magistrate (First Class),
68th Court, Borivali, Mumbai.