

**Bail Order in CASE NO. 683/PW/2025 C.R. No.123/2024 of Pydhonie
Police Station, Mumbai of accused Nos. 2 and 3**

(A) CASE DETAILS:

FIR NUMBER & DATE	123/2024, DATE 08/02/2024
POLICE STATION, DISTRICT AND STATE	PYDHONIE POLICE STATION, MUMBAI (MAHARASHTRA)
SECTION INVOKED	408, 420, 34 of IPC
MAXIMUM PUNISHMENT PRESCRIBED	Upto 7 years

(B) CUSTODY & PROCEDURAL COMPLIANCE :

DATE OF ARREST	--
TOTAL PERIOD OF CUSTODY UNDERGONE	---

(C) STATUS OF TRIAL:

Stage of proceedings (Investigation/Charge-sheet/Cognizance/Framing of Charges/Trial)	Chargesheet
Total number of witnesses cited in the charge-sheet	11
Number of prosecution witnesses examined	--

(D) CRIMINAL ANTECEDENTS:

FIR No. & Police Station	Against accused No. 2 and 3 205/2023, u/sec 294, 384 of IPC at Ujjain
Sections	
Status (pending/Acquitted Convicted)	--

(E) PREVIOUS BAIL APPLICATIONS:

Court	--
Case No.	--
Outcome of case	--

(F) COERCIVE PROCESSES:

Whether any Non-Bailable Warrant was issued	Yes
Whether declared a proclaimed offender	--

2
08.26

::02::

1. This is an application made by the accused No. 2 Harniksing Bhatiya and accused No. 3 Jasbirsing Mohansing Bhatiato to release them on bail. Whereas, the APP opposed the application vide her say.

2. Heard. Read the application and say. Perused chargesheet. It is contended that the accused are alleged to have been committed offence punishable under section 409, 420 r/w 34 of IPC. The charge-sheet came to be filed on 17.5.2025. Its means that investigation is over. The charges levelled against the accused are exclusively triable by this Court. There is no criminal antecedents against accused. The accused will be punctual and regular for the trial. The accused are drivers and only bread winners of their respective family. The accused have prayed to enlarge them on bail.

3. In brief it is the case of the prosecution that the informant namely Ketan Amul Rakhbhai Mehta has lodged the report on 8.2.2023 at Pydhonie police station and contended therein that he has been dealing in trading business as Iron and Steel merchant alongwith partnership of brother namely Kamal Mehta. He used to supply Iron steel as per the demand order received across the country on mobile phone or mail and after the goods delivered to the destination customer used to make payment by RTGS. It is further contention of the informant that the accused are dealing with the transport business namely Manmohan Transport services. The transporter Manmohan Transport services loaded their goods on 19.5.2023 and after taking advance seized their valuable goods and started demanding exorbitant amount citing old amount deducted and blackmailing the informant to pay otherwise they would not release the goods and not to deliver same to the destination for which the vehicle was loaded. All the three accused are owners/partners associated with the vehicle of the Manmohan Transport services thereby accused alleged to have been committed offence of criminal breach of trust as a merchant punishable under section 409 of IPC as well as committed offence

22.8.26

::03::

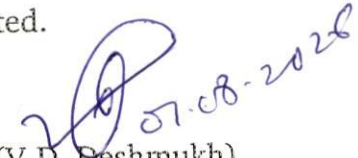
of cheating thereby dishonestly induced the informant to deliver the goods for transport to the accused person and thereby committed an offence punishable under section 420 of IPC. The accused are alleged to have been committed wrongful loss to the tune of Rs. 39,97,920/- by illegally confiscating and holding of valuable goods of the informant.

4. After investigation is over the charge-sheet has been filed before this court by the Investigation officer showing all the three accused absconding. On 16.07.2026 accused No. 2 and 3 have made the application through their advocate for seeking permission to appear them through their advocate, however, this court has rejected the said application. Thereafter, today, the accused Suo Moto appeared before the court and prayed for cancellation of NBW issued against them at Exh-12. This Court has taken the accused in the judicial custody and passed an order about cancellation of their NBW subject payment of penalty. As accused persons are absconding and they have not co-operated with the investigation officer and they appeared before the court when they came to know about issuance of N.B.W. There is prima-facie evidence against the accused that they have committed an offence of criminal breach of trust as well as offence of cheating. If accused are bailed out the possibility cannot be ruled out that they may not regularly attend the court for trial. Hence, application is liable to be rejected. Hence, I proceed to pass following order :-

ORDER

The bail application is rejected.

Date : 07/08/2026


(V. D. Deshmukh)
Addl. Chief Judicial Magistrate,
2nd Court, Mazgaon, Mumbai