

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO. 3087 OF 2025

Shantadevi Mafatlal Purohit and Ors ...Applicants

V/s.

The State of Maharashtra and Anr. ...Respondents

Mr. Bipul Maity Advocate for the Applicants.

Ms. Supriya Kak, APP for the Respondent/State.

Mr. Sunil R. Pandey i/b Adv. Raju M., Advocate for the first informant.

CORAM : N.R. BORKAR, J.
DATE : 06.02.2026.

P.C. :

1. This is an application for Anticipatory Bail.
2. The applicants are apprehending their arrest in Crime No. 158 of 2025 registered at MRA Marg Police Station, for the offences punishable under Sections 316(2), 318(4) 351(2) & 3(5) of the Bharatiya Nyaya Sanhita, 2023.
3. It is the case of the prosecution that the first informant is involved in the business of selling Chinese toys. The first informant was acquainted with the husband of the applicant No.1,

who is co-accused in the present crime and was involved in the same business. It is alleged that from 25.11.2024 to 29.11.2024, the first informant provided goods worth Rs.75 lakhs to the applicants and co-accused on the assurance that they will sell the said goods at a profitable price for the first informant. It is alleged that the applicants and co-accused sold the said goods and only paid Rs.15 lakhs to the first informant and refused to pay the remaining amount as well as threatened him with dire consequences. The allegations against the present applicants and other co-accused are thus of defrauding the first informant to the tune of Rs.60,00,000/-.

4. I have heard the learned counsel for the applicants, the learned APP for the respondent-State and the learned counsel for the first informant.

5. The learned counsel for the applicants submits that entire family is made the accused. It is submitted that though the crime does not fall in the category of heinous crimes, the FIR is registered against applicant No.2, who is a juvenile. It is submitted that the dispute, if any, is of a civil nature and there is no need of custodial interrogation.

6. On the other hand, the learned APP for the respondent-State and the learned counsel for the first informant submit that the applicants are involved in a serious offence of cheating. It is submitted that considering the nature of crime, the applicants may not be released on anticipatory bail.

7. On 20.11.2025 this Court passed the following order :

1. This is an Application for anticipatory bail.
2. The Applicants are apprehending their arrest in Crime No.158 of 2025 registered with M.R.A. Marg Police Station for the offences punishable under Sections 316(2), 318(4), 351(2) and 3(5) of the Bharatiya Nyaya Sanhita, 2023.
3. The Learned Counsel for the Applicants submits that FIR is registered even against Applicant No.2, who is a minor. It is submitted that Rule 8 of the Juvenile Justice (Care and Protection of Children) Model Rules, 2016 prohibits registration of FIR against the child in conflict with law, except for heinous offences.
4. It appears from the record that before registration of FIR, approval of Deputy Commissioner of Police, Zone-1, Mumbai was sought. It appears that the concerned DCP has

accorded the approval for registration of the FIR very mechanically ignoring the opinion of Assistant Commissioner of Police that dispute between the parties is of civil in nature. The said opinion of ACP reads thus:

“सदर अर्ज कागदपत्रांचे अवलोकन करता अर्जदार व गैरअर्जदार यांचेतील आर्थिक व्यवहाराशी संबंधित बाब असलेले सदरची बाब ही दिवाणी स्वरुपाची आहे असे आमचे प्राथमिक मत आहे. तरी पुढिल आदेशार्थ सादर.”

5. The concerned DCP therefore shall file an Affidavit explaining in which circumstances FIR came to be registered against the Applicant No.2, who is a minor and what made him to discard the opinion of Assistant Commissioner of Police. Such Affidavit shall be filed within a period of two weeks from today.

6. List the present Application on **04th December 2025**.

7. Ad interim order, if any, passed earlier to continue till the next date.

8. In the affidavit filed by the concerned Deputy Commissioner of Police, Zone-1, Mumbai, there is no explanation as to why the opinion of the Assistant Commissioner of Police was discarded.

9. I have perused the first information report. *Prima-facie*, the dispute between the parties appears to be of a civil nature. Considering the overall facts and circumstances of the case, I am inclined to release the applicants on anticipatory bail. In the result, the following order is passed :

ORDER

- a) The Application is allowed.
- b) In the event of arrest of the applicants in connection with Crime No. 158 of 2025 registered at MRA Marg Police Station, for the offences punishable under Sections 316(2), 318(4) 351(2) & 3(5) of the Bharatiya Nyaya Sanhita, 2023, the applicants be released on bail on furnishing P.R. Bond in the sum of Rs. 25,000/- each with one or two sureties in the like amount.

[N.R.BORKAR, J.]