

business of logistics, import and export and running the same under the name of Vyadeshwar Export Private Limited and in the year 2021 he was searching for suppliers and came in contact with the appellant having his office at Gujarat. It was further alleged that appellant claimed to manufacture Sodium Acetate Trihydrate chemical which was needed by the complainant to export this chemical to his clients at Shanghai, China and had an agreement with the appellant for supply of ten containers of Sodium Acetate Trihydrate chemical for a sum of Rs.53,05,300/-. It was alleged that complainant had made a payment of Rs.58,00,000/- through online transaction from his bank account. However, the appellant herein is said to have dispatched few containers and that too with shortage of material and it was also alleged that goods supplied by the appellant was exported and on verification it was found that chemical supplied by the appellant had only 0.93% Sodium Acetate Trihydrate instead of 99%. Thus, appellant had

conspired and played fraud and there was criminal breach of trust. It was further alleged that cheques issued by the appellant when presented were also not honoured and it was dishonoured for insufficient funds and for overwriting. The aforesaid complaint came to be registered in FIR No.33/2025 by Rau Police Station, Indore for the offences punishable under Sections 406, 409 and 420 of IPC. Hence, apprehending his arrested appellant approached the Trial Court initially for grant of anticipatory bail which came to be rejected and said order was confirmed by the High Court. Hence, the present appeal.

5. Having heard the learned counsels appearing for the parties, we notice that allegation against the appellant was that he was supposed to dispatch ten containers of Sodium Acetate Tryhydrate and had only supplied partial quantity and did not supply five containers. The supplied quantity also did not contain the chemical agreed to be supplied. As to the exact

quantity of the supply of the chemical *prima facie* seems to be business transaction and trial court would be required to examine as to whether there was complicity of the appellant in purported cheating of the complainant after scrutinizing the material evidence that may be placed by the prosecution on record and after evaluating the evidence a definite conclusion can be arrived at. The purported quality of chemical supplied is a matter of evidence based on test reports. Keeping these aspects in mind. Hence, this Court by order dated 19.05.2025 had granted interim protection and directed the appellant to cooperate with the investigation.

6. Learned counsel appearing for the State would submit that appellant though had appeared before the Investigating Officer, he has been evasive in giving the answers to the I.O. We are of the view that same would not fall within the mischief of non-cooperation as such we are of the considered view that appellant can be put to terms and interim protection

that came to be granted can be made absolute. Hence, we allow this appeal, set aside the impugned order and direct the Investigating Officer to grant anticipatory bail to the appellant on such terms and conditions as he deems fit including the condition of directing the appellant to appear before the Investigating Officer as and when called upon and shall also direct the appellant to appear before the trial court on all dates of hearing except when exempted.

7. Pending application(s), if any, shall stand disposed of.

.....J.
(ARAVIND KUMAR)

.....J.
(PRASANNA B. VARALE)

**NEW DELHI;
MAY 19, 2026.**

ITEM NO.3

COURT NO.14

SECTION II-E

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl.)
No(s).7814/2025

[Arising out of impugned final judgment and order
dated 01-05-2025 in MCRC No.4664/2025 passed by
the High Court of Madhya Pradesh at Indore]

RUSHIKESH BHATT

Petitioner(s)

VERSUS

STATE OF MADHYA PRADESH

Respondent(s)

IA No. 146217/2025 - CONDONATION OF DELAY IN
FILING THE SPARE COPIES

IA No. 129036/2025 - EXEMPTION FROM FILING O.T.

Date : 19-05-2026 This matter was called on for
hearing today.

CORAM : HON'BLE MR. JUSTICE ARAVIND KUMAR
HON'BLE MR. JUSTICE PRASANNA B. VARALE

For Petitioner(s) : Mr. Siddharath Dave, Sr. Adv.
Mr. Krunal Saxena, Adv.
Mr. Amogh Bansal, Adv.
M/s Aura & Co., AOR

For Respondent(s) : Mr. Sarthak Raizada, Adv.
Mr. Pushpinder Singh, Adv.
Mr. Pashupathi Nath Razdan, AOR

UPON hearing the counsel the Court made the
following

O R D E R

Leave granted.

Criminal Appeal is allowed in terms of the signed order placed on the file.

Pending application(s), if any, shall stand disposed of.

**(NEHA GUPTA)
COURT MASTER (SH)**

**(AVGV RAMU)
COURT MASTER (NSH)**