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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 828 OF 2016

Minesh Rajnikant Maru ..Applicant.
Vs
The State of Maharashtra ..Respondent.

Mr S.V. Marwadi, for the applicant.
Mr H.J. Dedhia, APP for the State.

CORAM : A.S.GADKARI, J.
DATE : 19TH August, 2016

P.C.

- 1) The applicant is apprehending arrest in CR No. I-59 of 2016 dated 3rd April, 2016 registered with Bhoiwada Police Station, Bhiwandi, District Thane under section 420 read with section 34 of the IPC.
- 2) The first informant Kaushik Sumaria has lodged the report dated 3rd April, 2016 stating that he was having business transactions of sale and purchase of cloth with accused no.1 Nagendra Rai and the complainant sold the goods to the accused no.1 Nagendra Rai approximately amounting to Rs.2,81,796/-. However, as he did not receive the payment towards the same, he has lodged the first

information report contending an offence under section 420 read with section 34 of the IPC. In the first information report, it is also stated that the applicant is the partner of the said Nagendra Rai.

3) The Investigating Officer Shri Ajaykumar Vitthalrao Wadhawe has filed a brief affidavit dated 19th July, 2016. It appears from the papers of investigation that during the course of investigation, it is revealed that, the applicant herein is the proprietor of Shivam Textiles and was also having certain commercial transaction with the complainant. It is further revealed that the applicant is not a partner of the said accused no.1 Nagendra Rai. The accused no.1 was arrested by the police and was thoroughly interrogated when he was in custody. It appears from the record that the facts leading to the present crime and the other relevant aspects pertaining to the investigation have been unearthed by the police during the course of the investigation. The police have also seized certain documents pertaining to the commercial transaction

between the accused persons and the alleged victim. According to me, the custodial interrogation of the applicant is not necessary for further investigation.

- 4) In view of the above, the interim relief granted by an Order dated 6th May, 2016 is hereby confirmed.
- 5) The application is allowed in the aforesaid terms.

(A.S. GADKARI, J.)