IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 1263 OF 2016

Ms. Dhara Sureshbhai Shah and anr. .....Applicants

V/s.

State of Maharashtra .....Respondent

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Mr. Subodh Desai i/by. Mr. Anuj Jhaveri, Advocate for the applicants.

Ms. Sharmila Kaushik, APP for the respondent, State.

Mr. Amol Patankar, Advocate for Intervenor.

Mr. A.S. Pathan, Nerul Police Station, Navi Mumbai present.

CORAM :- N.W. SAMBRE, J.

DATED :- 16th NOVEMBER, 2016.

P.C. :-

1). The applicants seek pre-arrest bail in Crime No. 323 of 2015 for the offences punishable under Sections 406, 465, 467, 468, 471, 420 read with Section 34 Indian Penal Code.

2). Applicant no.1 is a Company Secretary and applicant no.2 is a Chartered Accountant, both of whom were engaged by the

Company in April, 2015. The complainant claims that, the other Directors practised fraud on him and removed him from the post of Director though his property was mortgaged for raising funds for the Company in question. According to it, as such the present applicants are equally responsible for the offence in question.

3). In the above referred background, while trying to make out a case for grant of bail, it is brought to my notice that the professionals who are accused before this Court have come into picture in April, 2015 since the loan in question which is claimed to have been raised after practising fraud on the complainant and his removal from the post of Director took place prior to April, 2015. The learned Counsel for the applicant submits that, custodial interrogation is not necessary.

4). The learned APP who is assisted by the learned Counsel appearing for the complainant has strenuously urged that, investigation is at preliminary stage and the offence and the crime scene is having the colour of economic offence, the Court should be slow in protection and prayed for rejection.

5). Having perused the contents of the FIR and the other material placed on record, it is noted that applicant no.1 is a Company Secretary whereas, applicant no.2 is a Chartered Accountant whose services, from the documents placed on record at page-17 and 20, appears to have been hired after March, 2015. The entire basis which is reflected in the FIR for registration of the crime depicts all incidents prior to April, 2015 i.e. before the present applicants came into picture.

6). Apart from the above, the offence in question is based on the documentary evidence and prima-facie, in my opinion, custodial interrogation is not necessary. There are no criminal antecedents. As such, the application needs to be allowed.

7). In the event of arrest, the applicant be released on P.R. Bond of Rs.50,000/- (Rs. Fifty Thousand only) with one surety in the like amount.

8). The applicant shall attend police station as and when called for.

9). The applicant shall not tamper with the evidence or witnesses in any manner whatsoever.

(N.W. SAMBRE, J)