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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1139 OF 2016
WITH
CRIMINAL APPLICATION NO.578 OF 2016

Sandeep Ashok Parakh	..Applicant.
V/s.	
State of Maharashtra	..Respondent.
AND	
Somesh Ishwar Kalyankar	..Intervenor.

Ms.Savita A.Prabhune for the applicant.

Mrs.R.M.Gadhvi, APP for respondent-State.

Mr.Rupesh A. Zade for the intervenor.

Mr.P.V.Kale, API, Baramati Taluka Police Station., Pune Rural.

CORAM : A.M.BADAR, J.

DATED : 10TH AUGUST, 2016

P.C. :-

1. The applicant / accused in Crime No. 238/2016 for the offences punishable under section 420, 468 and 471 of the Indian Penal Code registered with the Baramati Police Station, Pune is seeking pre-arrest bail.

2. Heard the learned counsel for the applicant /

accused, learned APP for the State as well as learned counsel for the intervenor / informant. Perused the record made available, including the F.I.R. lodged by Somesh Iswar Kalyankar. He averred that he is in the business of supplying oil in partnership with Niranjana Parakh and Sandeep Parakh. They established a firm named "*Prayas*" dealing with the oil. He has invested Rs.3.5 lakhs in the firm, so also Sandeep Parakh. The informant further averred that at the instance of applicant Sandip Parakh, he as well as Niranjana Parakh had started another firm by name and style "*atreya*". It was decided to share profit and loss equally. The informant further averred that the present applicant / accused has shown wrong expenditure and there is difference between the purchase price of oil and actual rate of oil. It is averred that the firm earned profits of Rs.19.78 lakhs approximately but dues of the informant were paid. False information of the accounts of the firm was supplied to him.

3. Perusal of the F.I.R. as such goes to show that the business was being done by the present applicant and the informant by opening partnership firm. The learned counsel for the applicant has stated that the informant was not even a

a partner in the said firm. My attention is drawn to the particulars of registration issued under the Maharashtra Shop Establishments Act wherein the name of the present informant is not appearing.

4. Be that as it may, the transaction is predominately of civil nature and the dispute is regarding accounts of Partnership Firm. Therefore, custodial interrogation of the present applicant is not warranted and hence the order:-

- (i) The application is allowed;
- (ii) The order date 20th July, 2016 granting ad-interim anticipatory bail is confirmed on the same terms and conditions.
- (iii) The application is disposed of accordingly.
- (iv) In view of the disposal of the main application, criminal applications, if any, are also disposed of.

(A.M.BADAR, J.)