

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

WRIT PETITION NO. 124 OF 2017

Malckolm N. Desai & Ors.	...	Petitioners
V/s.		
The State of Maharashtra & Ors.	...	Respondents

Mr.P.K. Dhakephalkar, Senior Advocate i/b.
Mr.S.J. Patil for the Petitioners.

Mr.Pradip Gharat, Special Public Prosecutor
with Ms.S.D. Shinde, Asst. Public Prosecutor for
the State.

**CORAM : RANJIT MORE &
DR.SHALINI PHANSALKAR-JOSHI, JJ.**

DATE : 17th JANUARY, 2017.

P.C. :

1] Heard Mr.Dhakephalkar, learned Senior Counsel for the
Petitioners and Mr.Gharat, Special Public Prosecution for the State.

2] This Writ Petition is filed seeking directions for
appointment of one Investigation Agency to investigate CR No.78 of
2013 registered with EOW Mumbai, CR No.479 of 2016 registered
with EOW Thane and CR No.5 of 2017 registered with Sangvi Police
Station, Pune. The Petitioners have also prayed that if they are

sought to be arrested or PT Warrants are sought to be obtained against them in the offences of similar nature relating to similar transactions involving similar offences pertaining to the business of QNET and/or Vihaan Direct Selling India Private Limited in the State of Maharashtra, then a notice shall be issued to them, informing 72 hours prior to arresting them and/or seeking PT Warrants against them.

3] Mr.Gharat, Special Public Prosecutor and Ms.S.D. Shinde, Asst. Public Prosecutor for the State vehemently opposed the petition.

4] Having considered the rival submissions and having gone through the compilation of the petition, we find that as on today there are only three CRs registered against the Petitioners. So far as CR registered by EOW Mumbai is considered, already charge-sheet is filed. The Petitioners' custody is also transferred to EOW Thane in CR No.479 of 2016. Apart from these two aforesaid CRs, only one CR is pending for investigation with the Sangvi Police Station being CR No.5 of 2017.

5] Taking into consideration that at present there are only three CRs, out of which investigation is pending only in one CR and having regard to the allegations against the Petitioners and the number of witnesses, we are not inclined to grant the first prayer of the Petitioner at this stage.

6] So far as the second prayer regarding 72 hours prior notice before the arrest is concerned, the Petitioners have an alternate efficacious remedy to approach the learned Single Judge by way of 'Anticipatory Bail'. Hence, we are not inclined to grant this prayer also.

7] Writ Petition is, therefore, dismissed.

[DR.SHALINI PHANSALKAR-JOSHI, J.]

[RANJIT MORE, J.]