

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 1590 OF 2017

1. Sunit K.Malhotra	...Applicants
2. Manish Sunit Malhotra	
Versus	
The State of Maharashtra	...Respondent

Ms.Krupali H. Rajani for the applicants.

Mr. R.M. Pethe, APP for the State.

PSI Santosh M. Dhadave, Kasarvadavali Police Station, Thane.

CORAM: A.M. BADAR, J.

DATED: 24th NOVEMBER, 2017

PC:-

1. The applicants/accused in crime No.I-79-17 registered with Kasarvadavali Police Station, for the offences punishable under Sections 420, 406 r/w 34 of the Indian Penal Code, by this application are seeking pre- arrest bail.

2. Heard the learned advocate appearing for the applicant as well as the learned APP. The learned APP submits that though, now four wheeler vehicle has been delivered to the first informant by the Auto Mobile Manufacturer, the present

applicants have not paid the consideration thereof to the Auto Mobile Manufacturer.

3. I have considered the rival submissions and also perused the relevant record.

4. First informant Shriram Balsubramanyam, on 17.4.2017 had reported the police that he booked four wheeler vehicle of Mahindra and Mahindra Company with dealer of the said Company namely, Global Galleries Agencies Private Limited of which, the present applicants are owners. However, despite payment of money towards cost of that vehicle the vehicle is not delivered to him.

5. With passage of time the Auto Mobile Manufacturer has delivered the vehicle to the first informant. The applicants have placed reliance on ad-interim order dated 22.3.2017 passed by the Member Industrial Court, Thane in a complaint as (ULP), filed by Kamgar Sena. This order passed under

Section 30 of the said Act shows that present applicants were restrained from removing the plant and machinery from its establishment. This according to present applicants had prevented them from delivering the vehicle to the first informant. Be that as it may, now the vehicle is already been delivered to the first informant, therefore, the custodial interrogations of present applicants is not warranted. As such the order.

ORDER

i) The order dated 11th September 2017 passed by this Court granting ad-interim anticipatory bail to both applicants is confirmed on same terms and conditions.

ii) In addition to this, the applicants/accused should not directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade them from disclosing such facts to the court or to the Police Officer.

iii) The applicants/accused should co-operate with the investigators by attending the concerned police station as and when directed by notice in writing.

iv) The application stands disposed of.

(A.M. BADAR, J)