

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

**ANTICIPATORY BAIL APPLICATION NO. 2036 OF 2016**

|                                 |     |            |
|---------------------------------|-----|------------|
| Pushpa Balaram Kshatriya & Ors. | ... | Applicants |
| Vs.                             |     |            |
| The State of Maharashtra        | ... | Respondent |

**WITH  
ANTICIPATORY BAIL APPLICATION NO. 2037 OF 2016**

|                                        |     |            |
|----------------------------------------|-----|------------|
| Mahendra Vishwanathsa Kshatriya & Anr. | ... | Applicants |
| Vs.                                    |     |            |
| The State of Maharashtra               | ... | Respondent |

**WITH  
ANTICIPATORY BAIL APPLICATION NO. 2038 OF 2016**

|                                |     |            |
|--------------------------------|-----|------------|
| Balaram Vishwanathsa Kshatriya | ... | Applicant  |
| Vs.                            |     |            |
| The State of Maharashtra       | ... | Respondent |

Mr. Satyavrat Joshi i/b. Mr. Virendra Ichalkaranji, Advocate for the applicant in ABA/2036/2016.

Mr. Sanjiv Punalekar i/b. PRS Legal, Advocate for the Applicant in ABA/2037/2016.

Ms. Jyoti S. Ghorpade, Advocate for the applicant in ABA/2038/2016.

Mr. Prashant Jadhav, APP for the State in all the Applications.

CORAM: **MRS.MRIDULA BHATKAR, J.**

DATE: **16<sup>th</sup> January, 2017.**

**P.C.:**

These three Anticipatory Bail Applications are taken together, as all the applicants/accused are accused in one C.R. No. I-443 of 2015 registered with Panchvati Police Station, Nashik for the offences punishable under sections 420, 468, 471, 406 r/w. 34 of Indian Penal Code. The complaint is filed by one Parashram Vishwanathsa Kshatriya.

2. Initially, the complainant filed private complaint against the applicants/accused who are his two brothers, their wives and two niece. As per the case of the prosecution, the complainant and applicants/accused are running a company, namely M/s. Bhikussa Papers Pvt. Ltd. They are dealing and supplying a Khakhi colour paper. The complainant and applicants/accused are the directors of this company. In the year 2014, the complainant noticed that an amount of Rs.44,17,044/- is due from one Chetan Phathak and on enquiry with Chetan Phathak, he found that he had cleared the said dues, however, all the applicants/accused deposited the amounts in their personal account. Thus, the complainant and company accountant were kept in dark in respect of receipt of Rs.44,17,044/-. Hence, the complainant filed private criminal case which was registered at C.R. No. 486 of 2015 at JMFC, Nashik. The learned Judge gave directions under section 156(3) of Cr.P.C., pursuant to which after investigation, the police registered present offence and hence these Anticipatory Bail Applications.

3. The learned counsel for the applicants/accused has submitted that the applicants/accused in fact have lent the amount to the company and therefore, the amount which was received is adjusted towards that loan. It is further submitted that the applicants/accused have not committed any offence, hence they be granted pre-arrest bail.

4. Learned APP opposed the Anticipatory Bail Applications.
5. I have perused the private complaint, FIR and other documents placed before me. It is clear that it is a family dispute, as the applicants/accused and complainant are family members and directors of one company. There may be financial claims in respect of payment of receipt of money amongst the directors, however, considering the nature of the offence, I am of the view that custodial interrogations of the applicants/accused are not required. The applicants/accused were on interim bail passed by this Court on 25<sup>th</sup> November, 2016. I confirm the said order on the same bail bonds. The applicants/accused are directed to attend the concerned police station as and when called and cooperate the police and produce all the required documents.
6. The Applications for anticipatory bail are allowed.

**(MRIDULA BHATKAR, J.)**