

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

**ANTICIPATORY BAIL APPLICATION NO.464OF 2018**

|                                 |                |
|---------------------------------|----------------|
| 1) Anil Tukaram Zodge           |                |
| 2) Sunil Tukaram Zodge          | ...Applicants  |
| Versus                          |                |
| The State of Maharashtra & Anr. | ...Respondents |

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Mr. Abhijeet A. Joshi for the Applicants.  
Mr. N.B. Patil, APP for the Respondent -State.  
Mr. Satyavrat Joshi I/b. Mr. Nilesh Mohite for the Intervenor.

**CORAM : SMT. ANUJA PRABHUDESSAI, J.**

**DATED: 6<sup>th</sup> SEPTEMBER, 2018.**

**P.C.:-**

This is an application under Section 438 of the Cr.P.C. filed by the aforesaid Applicants apprehending their arrest in Crime No.95 of 2018 registered with Hadapsar Police Station, District-Pune for the offences punishable under Sections 384, 420, 406, 504 and 506 of the Indian Penal Code.

2. Heard Mr. Abhijeet Joshi, the learned counsel for the Applicants, Mr. N.B. Patil, the learned APP for the Respondent No.1-State and Mr. Satyavrat Joshi, the learned counsel for the Respondent No.2-Intervenor. I have perused the records and considered the

submissions advanced by the learned counsels for the respective parties.

3. The records prima facie reveal that aforesaid crime was registered pursuant to the order passed by the J.M.F.C., Cantonment Court under Section 156(3) of the Cr.P.C. The records prima facie reveal that father of the Applicants had invested sum of Rs.70,00,000/- in Noble Hospital, Pune. It is not in dispute that share certificates of Rs.46,00,000/- face value were issued to the father of the Applicants. Father of the Applicants expired on 14.9.2012. Said shares were transferred in the name of the Applicants.

4. It is the case of the complainant /Intervenor that the Board of Directors had taken a resolution to purchase shares for total consideration of Rs.40,00,000/- and that the said amount was paid to the Applicants by two cheques and that despite having received the said amount by cheques, the Applicants took the share certificate as well as share transfer forms under the pretext of taking photocopies of the same.

5. The Applicants have raised several issues. They have

contended that the amount of Rs.40,00,000/- was not towards the value of the shares but was in respect of the other transaction i.e. towards the amount, which was earlier paid by the father of the Applicant to the Respondents. Suffice it to say that at this stage, this Court cannot go into the merits of the contentions raised by the respective parties. Nevertheless, considering the nature of the allegations, in my considered view, this is not a case, which warrants custodial interrogation. The Applicants are permanent residents of the State and there are no chances of them absconding or thwarting the course of justice. Under the circumstances, this is a fit case for grant of application under Section 438 of Cr.P.C.

6. Hence, the application is allowed on the following terms and conditions:

- (i) In the event of arrest of the Applicants in Crime No.95 of 2018 registered with Hadapsar Police Station, District-Pune, the Applicants shall be released on bail on furnishing bail bonds of Rs.30,000/- each with one or two solvent sureties to the satisfaction of the Investigation Officer.

- (ii) The Applicants shall report to the Investigation Officer for a period of four days from Monday i.e. 10<sup>th</sup> September, 2018 between 10.00 a.m. to 2.00 p.m. and thereafter as and when required and called by the Investigation Officer.
- (iii) The Applicants shall furnish their permanent as well as temporary addresses, if any, and their contact details to the Investigation Officer.
- (iv) The Applicants shall not change their residential addresses without prior intimation to the Investigation Officer.

**(SMT. ANUJA PRABHUDESSAI, J.)**

Megha  
Shridhar  
Parab

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