

Nalawade

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 690 OF 2018

Dyaneshwar B. Phalke and anr. ...Applicants.
vs.
State of Maharashtra ...Respondent.

Mr. Niranjan Mundergji i/by K.D. Ambulkar for the Applicants.
Mr. Amit Palkar, APP for the Respondent-State.
Mr. Rajendra Mokashi for Respondent No.2.

CORAM : A.S.GADKARI, J.
DATE : 6th August, 2018

P.C.

1. By a reasoned Order dated 10.4.2018 the applicants were granted interim relief.
2. The record indicates that, the earlier crime i.e.CR No.18/2013 was lodged with similar allegations against the applicant and the same has been investigated and charge sheet has been by the police in the same.
3. The present crime is registered practically on the same set of allegations but only by adding one allegation that apart from taking over company of the informant, the applicants have also forged and fabricated share transfer forms and got those shares transferred in their names. It was necessary for the police to investigate the said allegations in CR No.18/2013 wherein

the allegations of taking over the company of the informant are levelled. The company of the informant is a duly registered company with the Registrar of Companies and as per the settled canons of law, without there being substantial transfer of total shares the Company cannot be taken over by the applicant. It therefore, appears that the present crime as registered is a sheer abuse of process of law and for the investigation of the same custodial interrogation of the applicant is not necessary.

4. In view of the above, the interim relief granted by Order dated 10.4.2018 is hereby confirmed. However, the condition to attend the Investigating Officer is waived.

Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)