

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

ANTICIPATORY BAIL APPLICATION NO. 1971 of 2018

Shashikant R.Bharti and ors.

...Applicants.

Vs.

The State of Maharashtra

...Respondent.

Mr. Ajinkya Jaibhave I/by Tanaya Goswami for the Applicant.

Mr.N.B.Patil, APP. for the State.

Mr.Tapan Thatte for the Intervener.

CORAM : A.S.GADKARI, J.

DATE : 21st November, 2018

PC :

1. By an Order dated 25.9.2018 the applicants were granted interim relief.

2. Heard the learned counsel appearing for the applicants and the learned APP. Also heard Mr. Thatte for the Intervener-Society at length, at his persistent insistence, though was not necessary at all as per the ratio laid down by the Supreme Court in the case of Sandeep Kumar Bafna vs. State

of Maharashtra and anr. reported in (2014) 16 SCC 623. Perused the entire record.

3. The record indicates that, the applicants being the promoters of the K.K.Market Vyapari Sankul Society have paid an amount of Rs.3500/- per member to the concerned Advocate who was entrusted with the work of registration of the society and other related issues. The learned APP. submitted that, the applicants have spent an amount of Rs.2,00,000/- from the account of the society .The record indicates that, this was done prior to the registration of the society and the said amount spent by the applicants is for the benefit of the society namely K.K. Market Vyapari Sankul. It appears from the record that, there is some dispute between the members of the society on one hand and its promoters i.e. applicants herein on the other hand which has prompted into lodgment of the present crime.

The record further indicates that, in pursuance of the directions issued by this Court on 25.9.2018 the applicants have attended the Investigating Officer and have co-operated in the process of investigation.

4. After taking into consideration the peculiar facts of the present case,

this court is of the considered view that, custodial interrogation of the applicants for further investigation of the present crime is not necessary,.

5. The interim relief granted by Order dated 25.9.2018 is hereby confirmed. However, the condition to attend the Investigating Officer is waived.

Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)