

Anand

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

**ANTICIPATORY BAIL APPLICATION NO. 1144 OF 2019**

Prakash Siddhnath Shukla & ors.

.Applicants

Vs.

The State of Maharashtra

.Respondent

Ms Ameeta Kuttikrishnan i/b. Mr. C. P. Gaonkar, Advocate, for the  
Applicants

Mr. S. S. Hulke, APP, for the Respondent – State

**CORAM : REVATI MOHITE DERE, J.**

**DATE : 19.06.2019**

**P.C.**

. Heard learned counsel for the parties.

2. By this Application, the Applicants seek pre-arrest bail in connection with C. R. No. 8 of 2017 registered with the Andheri Police Station, Mumbai, for the alleged offences punishable under Sections 420, 465, 468, 471 r/w 34 of the Indian Penal Code.

3. Without going into the merits of the allegation made

by the Complainant, learned counsel for the Applicants relies on the Judgment of this Court in **W. P. No. 924 of 2016 with Cri. Application No. 486 of 2016 ( Sayyed Anwar Ahmed & anr. Vs. The State of Maharashtra & anr. )** dated 27<sup>th</sup> & 28<sup>th</sup> February, 2017, to show that the complaint at the behest of the Complainant is not maintainable. Learned counsel for the Applicants in particular, relies on para 28 of the said Judgment, wherein it is stated that in cases of SRA Schemes, in view of the law laid down in *Shailesh Gandhi Vs. State of Maharashtra and Others*, an aggrieved party must first approach the High Power Committee; and if the High Power Committee finds that there is an element of criminality or in cases of impersonation etc, it would ensure that the investigation is handed over to the appropriate agency. It is further stated that if a Complainant has any grievance about the names included in Annexure – II, he can always approach the High Power Committee and that the said Committee can direct setting of criminal law in motion, if it finds criminality in it.

4. Learned counsel in view of the said decision submits

that the complaint filed by the Complainant before the learned JMFC, pursuant to which an order under Section 156(3) came to be passed and the aforesaid C. R. came to be registered is untenable.

5. Learned APP does not dispute the aforesaid.

6. In the facts, custodial interrogation of the Applicants is not warranted. Accordingly, the Application is allowed and the Applicants are granted pre-arrest bail on the following terms & conditions :-

### **ORDER**

(i) In the event of arrest, the Applicants be enlarged on bail, on executing P. R. Bond in the sum of **Rs. 10,000/- each** with one or two sureties in the like amount;

(ii) The Applicants shall report to the investigating officer of the concerned police station as & when called for by the investigating officer.

7. The Application is allowed in the aforesaid terms and is accordingly disposed of.

All concerned to act on the authenticated copy of this  
order.

**(REVATI MOHITE DERE, J.)**