

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 2009 OF 2019**

Haresh Polabhai Dobaria	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr. Vindu Prakash Pandey a/w Mr. Pramodkumar Pandya, Mr. Vivek Tripathi and Ms. Jyoti Pandey i/b Legal Edge LLP for the Applicant

Mr. S. V. Gavand, A.P.P for the Respondent-State

Mr. Satish Agarwal a/w Ms. Dhara Shah for the Intervener

CORAM : REVATI MOHITE DERE, J.
FRIDAY, 4th OCTOBER 2019

P.C.

1 Heard learned counsel for the applicant.

2 By this application, the applicant seeks pre-arrest bail in connection with C.R. No. 453 of 2019 registered with the Kandivali Police Station, Mumbai, for the alleged offences punishable under Sections 403, 406 and 420 of the Indian Penal Code.

3 On 17th September 2019, whilst granting interim protection to the applicant, it was observed that the applicant was ready to hand over the BMW Car papers, which were in his possession and the keys and the Car

i.e. Mini Cooper Car, to the Investigating Officer. It appears that the applicant had handed over the said Car to Jagdish Kakadiya, pursuant to which, Jagdish Kakadiya has handed over the Mini Cooper Car along with all the documents to the Investigating Officer.

4 Learned counsel for the applicant states that the said Car was handed over by the applicant to Jagdish Kakadiya, under a settlement. He submits that Jagdish Kakadiya had handed over the said Car to the Investigating Officer, under protest and without prejudice to his rights and contentions.

5 Learned counsel for the complainant disputes that there was any settlement between the applicant and Jagdish Kakadiya. Be that as it may, the same is a matter which will be decided by the trial Court.

6 Since the Car has been handed over by Jagdish Kakadiya to the Investigating Officer, the custody of the applicant is not warranted. Accordingly, interim order dated 17th September 2019 stands confirmed on the following terms and conditions :

ORDER

(i) In the event of the arrest, the applicant be enlarged on bail on

executing P.R. Bond in the sum of Rs.20,000/- with one or two sureties in the like amount ;

(ii) The applicant shall report to the Investigating Officer of the concerned Police Station as and when called.

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

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

REVATI MOHITE DERE, J.