

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY****CRIMINAL APPELLATE JURISDICTION****ANTICIPATORY BAIL APPLICATION NO. 2678 OF 2018**

Paresh Manharlal Parekh & Anr. ....Applicants.  
Vs.  
The State of Maharashtra ....Respondent.

**WITH****CRIMINAL APPLICATION NO. 221 OF 2019****IN****ANTICIPATORY BAIL APPLICATION NO. 2678 OF 2018**

Mrs. Sejal Girish Parekh ....Applicant.

**IN THE MATTER BETWEEN-**

Paresh Manharlal Parekh & Anr. ....Applicants.  
Vs.  
The State of Maharashtra ....Respondent.

Mr. Sathyanarayanan, I/by Prasad Borkar for the Applicant.  
Mr. A.K. Chauhan, Narpat Singh, Prasad Sankpal for the Intervenor.  
Mr. S.S. Hulke APP, for the Respondent-State.  
Mr. Kamlesh Jathar, API, Dr. D.B. Marg Police Station.

**CORAM : A. S. GADKARI, J.**

**DATE : 13<sup>th</sup> MARCH, 2019.**

**P.C.:-**

By an Order dated 22<sup>nd</sup> December, 2018 the Applicant was granted interim relief and was directed to attend the Investigating Officer on stipulated dates, to join the process of investigation.

2           Heard the learned counsel for the Applicants, the learned counsel for the first informant and the learned APP. Perused the record of investigation.

3           As has been observed in Order dated 22<sup>nd</sup> December, 2018 the record clearly indicates that, prior to lodgment of the present crime, the informant had filed a private complaint in the Court of Metropolitan Magistrate, 18<sup>th</sup> Court Girgaon Mumbai with same set of facts and by an Order dated 20<sup>th</sup> October, 2018 the concerned Court had directed the police officers attached to Dr. D.B. Marg Police Station, Mumbai to conduct inquiry under Section 202 of the Code of Criminal Procedure. The record further indicates that, the said Order was forwarded by the Registry of the Court of Metropolitan Magistrate 18<sup>th</sup> Court, Girgaon Mumbai to the Senior Inspector of Police, Dr. D.B. Marg Police Station by a covering letter dated 1<sup>st</sup> November, 2018 which was received by the said Police Station on 23<sup>rd</sup> January, 2019.

          It further appears that, the present crime is registered on 3<sup>rd</sup> November 2018 with same set of facts and without disclosing the fact that the Court of Metropolitan Magistrate has already issued an Order directing the concerned Police Station to conduct an inquiry under Section 202 of the Code of Criminal Procedure.

3           The aforestated fact makes it abundantly clear that the first informant by suppressing material facts and with malafide intention has lodged the present crime. It therefore, appears that the observations made and the directions issued by the Supreme Court in the Case of *Siddharam Satlingappa Mhetre Vs. State of Maharashtra*, reported in *AIR 2011 SC 312*, particularly in paragraph No. 122 (v) are squarely applicable to the present case.

4           In view thereof, interim relief granted by Order dated 22<sup>nd</sup> December, 2018 is hereby confirmed. However, the condition to attend the Investigating Officer of the concerned Police Station is waived.

Application is allowed in the aforesaid terms.

5           In view of the disposal of the Anticipatory Bail Application No. 2678 of 2018, Criminal Application No. 221 of 2019 does not survive and the same is also disposed of.

**(A.S. GADKARI, J.)**