

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 2836 OF 2019**

Mr. Guru Dhalaram Dayal Applicant
v/s.
The State of Maharashtra and anr. Respondents

**WITH
INTERIM APPLICATION NO. 2735 OF 2021
IN
ANTICIPATORY BAIL APPLICATION NO. 2836 OF 2019**

Gautam Vijay Mehta Intervenor

In the matter between :-

Mr. Guru Dhalaram Dayal Applicant
v/s.
The State of Maharashtra and anr. Respondents

Mr. Ashwin Thorat i/b. Mr. Sushant Mahadik for the Applicant.
Mr. P.H. Gaikwad, APP for the State.
Mr. Mandar Limaye for Respondent No.2.
Mr. Girish Bane, P.I., Vartak Nagar Police Station, present.

**CORAM: SMT. ANUJA PRABHUDESSAI, J.
DATED : 22nd NOVEMBER, 2021.**

P. C. :-

. This is an Application under section 438 of Cr.P.C. filed by the aforesaid Applicant apprehending his arrest in FIR No.146/2019 registered at Wagle Estate Police Station for offences punishable under sections 406, 420, 465, 467, 468, 479 of the Indian Penal Code.

2. Heard Mr. Ashwin Thorat, learned counsel for the Applicant, Mr.

P.H. Gaikwad, learned APP for the State and Mr. Mandar Limaye, learned counsel for Respondent No.2. I have perused the records and considered the submissions advanced by the learned counsel for the respective parties.

3. The aforesaid crime was registered pursuant to the first information report lodged by Respondent No.2 – Vijaykumar Shivnath Mehta. The main grievance of the complainant is that some time in the year 2008-09, the Applicant had transferred 63% holdings in Intercraft South Pvt. Ltd. to Kuan Agro Farming Pvt. Ltd. The complainant was a Director of Intercraft South Pvt. Ltd. He admits having signed the transfer form, but he claims that the Applicant had obtained his signature on blank transfer form. The question whether the Respondent No.2 had signed the said share certificate or transfer form under coercion or deception is a matter of trial.

4. The records reveal that the Respondent No.2 was well aware of transfer of shares to M/s. Kuan Agro Farming Pvt. Ltd. which is prima facie evident from Form 23ACA. The alleged transfer was of the year 2008-09 whereas the FIR has been lodged in the year 2019. Prima facie, there is considerable delay in lodging of the FIR.

5. The records reveal that the Applicant had been granted interim bail vide order dated 20/12/2019. The Applicant has reported to the Investigating Officer. The nature of accusations does not justify custodial interrogation. Hence, the Application is allowed on following terms and conditions :-

(a) In the event of arrest of the Applicant in FIR No.146/2019 registered at Wagle Estate Police Station, he shall be enlarged on bail on furnishing PR. Bond in the sum of Rs.75,000/- with one or two sureties in the like amount ;

(b) The Applicant shall report to the Investigating Officer as and when required by them.

(c) The Applicant shall furnish his current address and mobile contact numbers and/or change of residence or mobile details, if any, to the Investigating Officer.

6. The Application stands disposed of. Interim Application No.2735/2021 stands disposed of in view of disposal of the Anticipatory Bail Application.

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(SMT. ANUJA PRABHUDESSAI, J.)