IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 2463 OF 2019

Akhtar Hussain Ansari ...Applicant
vs.
The State of Maharashtra ...Respondent

Mr.P.R. Dave for applicant.

Mr.J.P. Yagnik, APP for State.

CORAM : N. J. JAMADAR, JJ.

DATE : 21st AUGUST, 2021

P.C.:

1. Heard Mr. Dave, the learned counsel for the applicant and Mr. Yagnik, the learned APP for State.

2. The applicant, who is arraigned in C.R. No. 302/2019 for the offences punishable under sections 420, 465, 466, 471, 474, 406, 506 and 504 of the Indian Penal Code, 1860 ('the Penal Code'), has preferred this application for pre-arrest bail.

3. The gravamen of indictment against the applicant is that the applicant had formed a partnership firm with the first informant-Mr. Mukhtar Ahmed Shaikh, under the name and style "Aksa Transport Service" and duped the first informant by misappropriating the capital and share in the profits due to the first informant.

4. By an order dated 10^{th} December 2019, this court granted interim relief to the applicant opining that the offence arose out of the civil transactions between the family members.

5. Mr.Dave, the leaned counsel for the applicant submitted that from the perusal of the material on record, the aforesaid *prima-facie* observation is fully justifiable. It was essentially a partnership dispute.

6. In opposition to this, Mr.Yagnik, the learned APP would urge that apart from the allegations of embezzlement of the amount falling to the share of the first informant, there is an allegation that Shop Act Licence (Gumasta) was forged. Thus, custodial interrogation of the applicant is warranted.

7. From the perusal of the allegations in the FIR, it becomes explicitly clear that the applicant and the first informant, who had ventured into partnership business, fell apart and disputes arose over sharing capital and profits of the said business. It appears to be a classic case of dispute between the partners inter-se over the accounts of the firm and sharing of the profits. The allegations of forgery of documents appear to be incidental. In any event, custodial interrogation of the applicant does not seem to be warranted.

8. For the foregoing reasons, I am impelled to allow the application and confirm the interim order, dated 10th December 2019.

9. Hence, the following order :

O R D E R

(i) The application stands allowed.

(ii) The interim order dated 10th December 2019 stands confirmed on the terms and conditions incorporated therein.

(iii) In addition, in the event of filing of the charge-sheet, post completion of the investigation, the applicant shall attend the consequent proceedings before the jurisdictional Court regularly.

The application stands disposed of accordingly.

(N. J. JAMADAR, J.)