

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

ANTICIPATORY BAIL APPLICATION NO. 82 OF 2022

1) Dr. Manish Tardeja
2) Dr. Rachna Manish Tardeja Applicants
v/s.
The State of Maharashtra Respondent

**WITH
INTERIM APPLICATION NO. 633 OF 2022
IN
ANTICIPATORY BAIL APPLICATION NO. 82 OF 2022**

Vishal Anil Dhomse Intervenor

In the matter between :-

1) Dr. Manish Tardeja
2) Dr. Rachna Manish Tardeja Applicants
v/s.
The State of Maharashtra Respondent

Mr. Niranjan Mundargi a/w. Mr. Premalal Krishnan,
Mr. Preston Dias and Mr. Darshan Suuarna i/b. Pan
India Legal Services LLP for the Applicants.
Ms. A.A. Takalkar, APP for the State.
Mr. Sanjeev Kadam with Mangesh Deshmukh,
Mr. Prashant Jadav & Shailesh Ahire for the Intervenor.
Mr. Chandekar, Sr.PI, EOW-1, Navi Mumbai.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 12th APRIL, 2022.

P. C. :-

. This is an Application under section 438 of Cr.PC. filed by the

aforesaid Applicants for pre-arrest bail in C.R.No.727/2020 registered with Pimpri Police Station for offences punishable under sections 419, 420, 467, 468, 469, 471 r/w. 34 of the Indian Penal Code. The case was subsequently transferred to E.O.W., Unit-I, Navi Mumbai.

2. Heard Mr. Niranjan Mundargi, learned counsel for the Applicants and Ms. A.A. Takalkar, learned APP for the State. 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 (FIR) lodged by Vishal Dhomse who was one of the partners of M/s. Way 2 Health Diagnostic Center which was set up in the year 2009. In the year 2014, the company under the name 'Way 2 Health Diagnostics Pvt. Ltd.' was formed and the complainant and the Applicants were the Directors of the said Company. The complainant retired from the Company on 25/08/2017 and as a partner on 31/03/2018. It is the grievance of the complainant that the Applicants and the other partners have not settled the accounts and hence, he had lodged complaint pursuant to which C.R.No.225/2020 has been registered. The complainant has filed the present FIR alleging that

whilst going through the information supplied by Trans Union CIBIL Limited, he learnt that the Applicants had used his and his wife's mobile number, e-mail id and address while availing loan. He had therefore lodged the complaint against the Applicants and others for giving wrong information to the Bank and reduction of CIBIL score on account of said wrong entries furnished to the Bank.

4. At this stage, there is no prima facie material to indicate that the Applicants had taken any loan in the name of the complainant after he had retired as a partner or as a Director of the Company. Prima facie, the ingredients of offence under sections 419, 420, 467, 468, 469, 471 are not made out. Moreover, the complainant had raised similar grievance in the complaint dated 06/09/2020. Considering the nature of accusations, the Applicants were granted interim bail by this Court (Coram : Sarang V. Kotwal, J.). It is stated that the Applicants have reported to the Investigating Officer and that they have been duly interrogated.

5. Considering the above facts and circumstances, in my considered view, this is not a case which would justify custodial interrogation. Hence, the Anticipatory Bail Application is allowed on following terms

and conditions :-

(a) In the event of arrest of the Applicants in C.R.No.727/2020 registered at Pimpri Police Station, they shall be released on bail on furnishing bail bonds in the sum of Rs.30,000/- each with one or two sureties in the like amount ;

(b) The Applicants shall co-operate with the conduct of the trial and attend the trial Court on all dates of hearing, unless exempted ;

(c) The Applicants shall keep the Investigating Officer informed of their current address and mobile contact numbers, and/or change of residence or mobile details, if any, from time to time.

6. The Application stands disposed of. Interim Application No.633 of 2022 stands disposed of in view of disposal of Anticipatory Bail Application.

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JAYANI

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JAYANI
Date: 2022.04.13
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(SMT. ANUJA PRABHUDESSAI, J.)