

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

ANTICIPATORY BAIL APPLICATION NO.143 OF 2022

1. Stephen Joseph Gonsalves
2. Rahul Surendra Motghare
3. Francis Sanjay D'Souza
4. Sebastian Francis Almeida
5. Smt. Catherine Stephen Gonsalves
6. Smt. Sushila Francis D'Souza
7. Smt. Sheela Rahul Motghare

...Applicants

Versus

The State of Maharashtra

...Respondent

....

Mr. Kuldeep Patil for the Applicant.

Ms S.S. Kaushik, APP for Respondent -State.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 20th APRIL, 2022.

P.C.:-

1. This is an application under Section 438 of Cr.P.C. for pre-arrest bail in C.R. No.290 of 2019 registered with Vasai Police Station for offence punishable under Section 420 of the IPC.

2. Heard Mr. Kuldeep Patil, learned counsel for the Applicant and Ms S.S. Kaushik, learned APP for Respondent-State. I have perused the records and considered the submissions advanced by the learned counsel for the respective parties.

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3. The aforesaid crime was registered pursuant to the FIR lodged by Velerian Nemes Gonsalves, Chairman of the St. Joseph Co-operative Credit Society. The Complainant has alleged that in the year 2004 M/s. Three S.F. Auto Partnership Firm had availed loan of Rs.1,25,00,000/-. In the year 2010 the said partnership firm was directed to furnish collateral security. Accordingly the said partnership firm gave two lands being Survey No.536 of village Kharshet Umraoli and Survey No.24/29 of village Khutla, Murbad, District Thane as collateral securities. In the year 2019 it was revealed that the land under Survey No.24/29 is owned by Babu Walku Pathare and was already sold in the year 2007. Hence, the complaint was filed for furnishing false collateral security.

4. By order dated 20/01/2022 this Court had granted interim protection to these Applicants mainly on the ground that the Applicant No.4 was not a partner, Applicant Nos.1 and 3 had retired from the partnership firm on 11/04/2006 and that the Applicant Nos.2, 5 and 7 had retired on 01/03/2012 and that the partnership business was retained by the remaining accused. Learned counsel for the Applicant states that pursuant to the said order the Applicants have reported to the Investigating Officer and that they have been interrogated.

5. Learned APP, under instructions states that all the documents have been recovered. She further states that investigation is completed and that the charge sheet will be filed within a period of four weeks.

6. Considering the above facts and circumstances in my considered view this is not a case which would justify custodial interrogation. Hence, the application is allowed on the following terms and conditions:-

- (i) In the event of arrest of the Applicants in C.R. No.290 of 2019 registered with Vasai Police Station, the Applicants are ordered to be released on bail on executing PR bonds in the sum of Rs.30,000/- each with one or two sureties each to the like amount;
- (ii) The Applicants shall report to the concerned Investigating Officer as and when called and shall cooperate with the investigation;
- (iii) The Applicants shall keep the Investigating Officer informed of their current addresses and mobile contact numbers, and/or change of residence or mobile details, if any, from time to time.

7. The application stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)