

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.117 OF 2022**

Indraneel Valmik Moon .. Applicant

Versus

The State of Maharashtra & Ors. .. Respondents

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Mr.Sanjiv A. Sawant for the Applicant.

Mr.S.H.Yadav, A.P.P. for the State/Respondent.

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CORAM: BHARATI DANGRE, J.

DATED : 21st JUNE, 2022

P.C:-

1. The scope of application filed under Section 439(2) of the Cr.P.C., seeking cancellation of bail being very limited, the submission of the learned counsel Mr.Sawant to the effect that the order passed by the learned Additional Sessions Judge deserves an interference, cannot be entertained. What prompted the learned Judge to release the applicant on bail in anticipation of his arrest is the enormous delay in lodging the F.I.R., with an inference being recorded that it speaks of

volume. Further, the learned Judge, after consideration of the necessary facts placed before him and on reading of the F.I.R., arrived at a conclusion that, *prima facie*, the F.I.R. is indicative of motivated action for recovery of dues. Even by referring to the agreement, which contain the clause of arbitration, the applicant was admitted to interim protection from arrest by order dated 18/09/2021.

3. Since the parameters underlying Section 438 of the Cr.P.C. have been rightly appreciated by the Court below, I do not agree with the learned counsel that there is any ground for cancelling the said order.

4. The application stands rejected.

(SMT. BHARATI DANGRE, J.)