

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.801 OF 2021**

Hasmukh K. Shah & Ors. .. Applicants

Versus

The State of Maharashtra .. Respondent

WITH

ANTICIPATORY BAIL APPLICATION (ST)NO.2558 OF 2020

Rehmatullah Abdul Kadar Gubitra & Ors. .. Applicants

Versus

The State of Maharashtra .. Respondent

WITH

ANTICIPATORY BAIL APPLICATION NO.796 OF 2021

Jayantilal Ramji Gala & Anr. .. Applicants

Versus

The State of Maharashtra .. Respondent

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Mr.Kartik S. Garg for the Applicant in ABA/801/21.

Mr.Kiran Varma with Ms.Sakshi Mane i/b Rajeev Sawant & Associates for the Applicant in ABAST/2558/20.

Mr.N.M. Nadar for the Applicant in ABA/796/21.

Ms.A.A.Takalkar, A.P.P. for the State/Respondent.

Ms.Sneha Patil i/b Maniar Srivastava Associates for the first informant.

Mr.P.I.Kerkar, Investigating Officer attached to EOW/HSG-II, present.

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CORAM: BHARATI DANGRE, J.

DATED : 28th JUNE, 2022

P.C:-

1. The applicants were admitted to interim protection in connection with C.R.No.21 of 2020 registered with Housing Unit-I/II, Mumbai (Old C.R.No.673 of 2020 registered with Malad Police Station), for the offences punishable under Sections 409, 420, 465, 467, 468, 471, 120-B read with Section 34 of the IPC.

On consideration of the complaint on the basis of which the C.R.came to be registered, the learned Judge concluded that dispute is civil in nature and granted liberty to the A.P.P. to point out as to what offences are committed in the transaction. It was also recorded that the dispute was carried to this Court on the Original Side by filing suit for injunction and order of status-quo came to be granted and the said suit is pending.

2. The learned counsel for the trustees, who were also made accused in the same C.R. and the learned counsel for the

applicants has placed before me an order dated 06/04/2022 passed in Commercial Suit No.177 of 2021, whereby the consent terms executed between plaintiff and defendant Nos.1 and 4, who are the trustees, were taken on record and the undertaking therein came to be accepted. The suit, therefore, was disposed off as against the trustees in accordance with the consent terms.

3. In the wake of the aforesaid development, the learned A.P.P., on instructions of the Investigating Officer who is present in the Court, makes a statement that he do not desire to have custodial interrogation of the applicants.

Necessarily, the orders granting interim protection in favour of the applicants stand confirmed, subject to the stipulation that the applicants shall continue to render their co-operation to the Investigating Officer in concluding the investigation.

4. The applications stand disposed off.

(SMT. BHARATI DANGRE, J.)