

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 1379 OF 2022**

Nirav Ajay Thakar and Ors. .. Applicants
Versus
State of Maharashtra .. Respondent
...

Mr. K. H. Holambe Patil, Adv. B. V. Holambe Patil, Adv. Ganpat Karad, Adv. K.R. Panchangane i/b K. K. Holbambe Patil for the applicants.

Mr. S.V. Gavand, APP for the respondent State.

CORAM: BHARATI DANGRE, J.

DATED : 24th MAY, 2022

(Vacation Court)

P.C:-

1. By the present application, the applicants who are arraigned as accused nos.1 to 3 in C.R. No.127 of 2022 seek their release on bail in the event of their arrest for an offence punishable under sections 419, 420 read with 34 of IPC.

2. The complainant is one Rohit Bharat Rajput, a Mechanical Engineer of Om Sai Apartment.

The FIR state that he was working in the said capacity with M/s. Jagteq Industries Private Limited and the accused persons are the developers, to whom the work order for erecting parking scheme was allotted by M/s. Jagteq Industries Private Limited.

The work order contemplated schedule for completion of work being upto 29.05.2021. However, on count of the intervention of pandemic, the work could not be completed which resulted into termination of the agreement at the instance of the complainant company.

3. The further narration in the FIR is to the effect the work was incomplete, and agreement was reached between two parties, that subject to necessary payments, the design of the project would be exchanged and this is what the complainant himself has narrated in the FIR. He also admits that some portion of the design were already parted with but for which payment was due.

The incident i.e., described is of 10.02.2022 when the complainant was present in the office, at that time, three accused persons accompanied with an unknown persons visited the complainant's office and demanded the designs, by projecting that the fourth person is an officer of MAHARERA. Pursuant to the demand, he copied the data from the computer and handed over it in a pen drive to the unknown officer projecting himself to be a officer of MAHAREEA.

Subsequently, the complainant realized that it is a case of impersonation, as the three accused were interested in procuring the data in respect of the design of the unfinish project, the whole episode was a trap. This resulted in registration of subject C.R.

4. Perusal of the FIR and the accompanying documents which includes termination of the contract on account of non performance clearly reveals a civil dispute.

The complainant himself has narrated that after termination of the contract for construction of the parking slot, it was agreed between the parties to exchange/ part with the design subject to payment of the amount and there was breach of this stipulation.

5. As far as the incident dated 10.02.2022 is concerned, the complainant was acquainted with all three applicants who are arraigned as accused nos.1 to 3 and there was no reason for him not to recognize them and deny the passing of data which is alleged to have been shared only on the pretext of presence of officer of MAHAREA. This definitely do not warrant any custodial interrogation and subject to the applicants rendering co-operation with the investigating officer, in investigating in dispute which purely is of civil nature and where the parties are at liberty to seek proper remedy before the Civil Court, the custodial interrogation is not warranted. Hence, the following order:-

ORDER

(a) In the event of their arrest, the Applicant no.1 Nirav Ajay Thaker, applicant no.2 Nipun Kishorchandra Vasant and Dinesh Subhash Palekar, in connection of C.R.No.127 of 2022 registered with Pelhar police

station shall be released on bail on furnishing P.R. bond to the extent of Rs.25,000/- each with one or two sureties of the like amount.

(b) The applicants shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him from disclosing the facts to Court or any Police Officer and should not tamper with evidence.

(c) The applicants shall report on every Thursday between 10.00 a.m. to 2.00 p.m. for the period of four weeks and thereafter, as and when called for.

(d) The application is disposed off.

(SMT. BHARATI DANGRE, J.)