

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

ANTICIPATORY BAIL APPLICATION NO.1814 OF 2021

1. Kanchan Harkishin Chhabria, &
2. Cherry Dilip Chhabria. Applicants
Versus
The State of Maharashtra Respondent

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**WITH
INTERIM APPLICATION NO.2195 OF 2021
IN
ANTICIPATORY BAIL APPLICATION NO.1814 OF 2021**

Indermal Munnilalji Ramani ...Intervener
IN THE MATTER BETWEEN
Kanchan Harkishin Chhabria
& another Applicants
Versus
The State of Maharashtra Respondent

Mr. Aabad Ponda, Senior Advocate a/w. Amit Dubey, Rajuram
Kuleriya, S. Rajput i/b. Law Counsellors, for the Applicants.
Smt. A.A. Takalkar, APP for the Respondent-State.
Mr. Kiran Jain, Advocate a/w Pooja Ghadiali i/b. Kiran Jain
and Co. for the Intervenor.
Mr. Prashant Pawar, PI, CID, Crime Branch is present.

CORAM : SARANG V. KOTWAL, J.

DATE : 03rd JANUARY, 2022

P.C. :

1. The applicants are seeking anticipatory bail in connection with C.R. No.875/2020 dated 19.12.2020 registered at MIDC police station, Mumbai under Sections 420, 465, 467, 471, 120-B, 468 read with 34 of the Indian Penal Code. Later on the investigation was taken over by CID, Crime Branch, by registering their own C.R. No.173/2020.

2. Heard Mr. Aabad Ponda, learned Senior Counsel for the applicants, Smt. A.A. Takalkar, learned APP for the State and Mr. Kiran Jain, learned counsel for the Intervenor.

3. The FIR is lodged by one Indermal Ramani. He has stated that he is one of the Directors of a private limited jewelry company. He is in the business of manufacturing and selling gold ornaments. The informant had purchased a second hand car from M/s. Lalitha Jewellery Mart Pvt. Ltd. on 31.12.2019 for a sum of Rs.12,12,000/-. The FIR mentions the engine number and chassis number of the vehicle. The car was registered with Chennai RTO. The manufacturing date of the car was February 2016. The earlier owner was M/s. Lalitha Jewellery Mart Pvt. Ltd., who had bought that car from

M/s. Dilip Chhabria Designs Pvt. Ltd. on 15.4.2016 for Rs.42 Lakhs.

4. The FIR goes on to mention that on 29.10.2020 when the informant's son was stopped by Chennai Traffic Inspector for obstruction, he received a challan wherein the registration number of the vehicle was mentioned as "HR 26 DC 5353". The FIR mentions that the police officer had taken that number from the RC book which he had inspected. The actual registration number, according to the first informant, was "TN 09 CD 9293". The informant realized that there appeared to be double registration regarding the same vehicle at different places - one at Chennai and the other at Haryana. He suspected that the owner and officials of M/s. Dilip Chhabria Designs Pvt. Ltd. must have fraudulently obtained chassis number and must have got the registration done at Gurgaon, Haryana for the same vehicle. According to the first informant, both the applicants were closely connected with M/s. Dilip Chhabria Designs Pvt. Ltd.. On 17.12.2020, when the informant visited Mumbai, some plain-clothed police

officers stopped him and told him that they had got information that registration of the car in Chennai was fake. The informant realized that some serious offence was committed in respect of the vehicle and, therefore, he lodged his FIR.

5. Learned Senior Counsel for the applicants submitted that the applicant No.1 had resigned from M/s. Dilip Chhabria Designs Pvt. Ltd. on 23.7.2017 and the applicant No.2 had resigned from the company on 18.10.2016. He submitted that the FIR was lodged by the first informant at the behest of one Kiran Kumar, who along with his wife Hema was having more than 50% shares of M/s. Dilip Chhabria Designs Pvt. Ltd.

6. Mr. Ponda submitted that the FIR was a result of the dispute between Kiran Kumar and Dilip Chhabria. The first informant was working with Kiran Kumar. Shri Ponda invited my attention to Exhibit-N which shows that the informant had represented Kiran Kumar in a meeting of the Board of Directors of M/s. Dilip Chhabria Designs Pvt. Ltd. on

20.3.2018. Exhibit-L of this application shows that the car was registered with Chennai RTO on 9.6.2016. Hence the averments in the FIR are not correct and it demonstrates that the FIR was a result of the dispute between Dilip Chhabria and Kiran Kumar. The car was registered in Haryana on 20.2.2017.

7. Shri Ponda submitted that Kiran Kumar himself was closely associated with M/s. Dilip Chhabria Designs Pvt. Ltd. and was controlling the said company.

8. Learned counsel for the first informant submitted that the issue is not restricted only to the car mentioned in the FIR. The *modus operandi* was that M/s. Dilip Chhabria Designs Pvt. Ltd. used to take loan from BMW Finance in respect of vehicles with fake chassis number and engine numbers. Registration of these vehicles was done all over India.

9. He submitted that as far as the present applicant No.2 is concerned, she was one of the Directors who had actually signed the balance-sheet in the year 2015-2016. She

was aware of this illegal loan transaction and false registration. He submitted that this is not an isolated instance and there were forty such instances.

10. Learned APP, on instructions, stated that the charge-sheet is already filed against Mr. Dilip Chhabria and he is released on bail. On instructions and after going through the charge-sheet, she could not pinpoint any role played by either of these applicants in registration of the vehicle either at Haryana or at Chennai which is the subject matter of the FIR.

11. Learned APP, on instructions, could not substantiate the allegations against the present applicants as far as the vehicle and its double registration mentioned in the FIR is concerned. She, however, submitted that in case anticipatory bail is granted, sufficient conditions may be imposed on the applicants.

12. I have considered these submissions. On a pointed query put by the Court, learned APP, on instructions, submitted that in this particular case the investigation is restricted to the double registration of the vehicle mentioned in the FIR and the

investigating agency has not gone into the investigation of other instances as submitted by learned counsel for the intervener.

13. Therefore, I am restricting my discussion and consideration qua the allegations in the FIR. The FIR is specific and it speaks about the double registration of the same vehicle. As submitted by learned APP, during the entire investigation, which has culminated in filing of the charge-sheet against Dilip Chhabria; the investigating agency has not found any active role played by either of these applicants. As mentioned earlier, the applicant No.1 had resigned from the company on 23.7.2017 and the applicant No.2 had resigned on 18.10.2016. The applicants cannot be held vicariously liable unless specific role is alleged and evidence is shown against them. In that regard, the investigation is lacking and as submitted by learned APP; after thorough investigation, their roles in this particular offence is not found.

14. In this view of the matter, considering the fact that the applicants are ladies and are senior citizens, I do not see

any propriety in permitting custodial interrogation of the applicants in this particular case. Therefore, the applicants are entitled for protection of anticipatory bail. Hence the following order :

ORDER

- (i) In the event of their arrest in connection with C.R. No.173/2020 registered with CID, Crime Branch, Mumbai (old C.R. No.875/2020 registered with MIDC police station Mumbai), the applicants are directed to be released on bail on their furnishing PR bonds in the sum of Rs.30,000/- each (Rupees Thirty Thousand Only) with one or two sureties each in the like amount.
- (ii) The applicants shall attend the office of the concerned investigating agency as and when called and shall co-operate with the investigation.
- (iii) Anticipatory Bail Application stands disposed of accordingly. In view of disposal of the main application, nothing survives in IA No.2195/2021 and the same also stands disposed of.

Digitally signed
by
PRADIPKUMAR
PRAKASHRAO
DESHMANE
Date:
2022.01.04
18:12:28
+0530

(SARANG V. KOTWAL, J.)

Deshmane (PS)