

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 2628 OF 2022

Mitharam Gurav s/o Chahagan Gurav .. Applicant
Versus
Serious Fraud Investigation office and anr. .. Respondents

WITH

ANTICIPATORY BAIL APPLICATION NO. 2632 OF 2022

Pravin gurav s/o Chahagan Gurav .. Applicant
Versus
Serious Fraud Investigation office and anr. .. Respondents

WITH

ANTICIPATORY BAIL APPLICATION NO. 2633 OF 2022

Dipali Gurav w/o Mitharam Gurav .. Applicant
Versus
Serious Fraud Investigation office and anr. .. Respondents

Mr. Siddharth Chandrashekhar i/b Mr. Shiv Prasad Pathak for the Applicant.

Mr. S.K. Halwasia a/w Mr. Mayank Joshi, Adv. M.M. Nasiri, and Mr. Pradeep Yadav for respondent no.1

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CORAM: BHARATI DANGRE, J.
DATED : 27th SEPTEMBER, 2022

P.C:-

1. Heard learned counsel for the SFIO.

The applicants have filed the present application under sections 438, 439 of the Code of Criminal Procedure, wherein they seek Anticipatory Bail i.e. protection from arrest as contemplated under section 438. When

the application is perused it can be seen that the title clause has been amended to claim “anticipatory bail” but the provision invoked is section 439 of Code of Criminal Procedure.

2. The counsel for the respondent would submit that on completion of the investigation, a report dated 23/02/2017 was filed and pursuant thereto SPL No. 3 of 2018 came to be registered, which invoke various sections of the Companies Act along certain provisions of the Indian Penal Code.

The learned counsel, would submit that after completion of procedure they have moved an application for bail before the Special Court, which came to be rejected. Being aggrieved three distinct criminal revision applications were filed before this court, and they were withdrawn, by reserving the liberty to initiate the appropriate proceedings.

3. In the wake of the aforesaid development the applications in the form of ABA cannot be entertained.

4. On being confronted with the aforesaid position, the learned counsel for the Applicant seek permission to withdrawn the application with liberty to take out appropriate steps.

5. Applications are dismissed as withdrawn.

(SMT. BHARATI DANGRE, J.)