

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1837 OF 2018**

Allauddin Juned Shaikh .. Applicant

Versus

The State of Maharashtra .. Respondent

**WITH
CRIMINAL APPLICATION NO.1299 OF 2018
IN
ANTICIPATORY BAIL APPLICATION NO.1837 OF 2018**

Sidhesh Pai & Ors. .. Applicants

Versus

The State of Maharashtra & Anr. .. Respondent

**WITH
ANTICIPATORY BAIL APPLICATION NO.1845 OF 2018**

Kiran Purushottam Samant .. Applicant

Versus

The State of Maharashtra .. Respondent

WITH
CRIMINAL APPLICATION NO.1301 OF 2018
IN
ANTICIPATORY BAIL APPLICATION NO.1845 OF 2018

Sidhesh Pai & Ors.

.. Applicants

Versus

The State of Maharashtra & Anr.

.. Respondents

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Mr.Ajay L. Bhise for the Applicants.

Ms.Anamika Malhotra, A.P.P. for the State/Respondent.

Mr.Aditya Mithe with Mr.Sachin Agawane for the Intervenor in
APPP/1299/18 and APPP/1301/18.

Ms.Sandhya S. Pawar, PSI, EOW, Mira Road, present.

Mr.M.H.Choudhary with Mr.Hafeez Coatwala i/b Sumaira Legal
Association for the Original Complainant.

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CORAM: BHARATI DANGRE, J.

DATED : 20th JUNE, 2022

P.C:-

1. The two applicants in the above applications, were admitted to interim protection on 10/09/2018, being accused of the offences punishable under Sections 406, 409, 465, 467, 468, 471, 420 read with Sections 34 and 120-B of

the IPC and Sections 3 and 4 of the MPID Act in C.R.No.I-135 of 2018 registered with Arnala Sagari Police Station, Virar, District, Palghar.

2. While admitting the applicants to the protection, it was recorded that the applicants played a limited role and both of them were released on bail, in anticipation of their arrest. The applications are pending since long and the applicants are enjoying the protection.

3. The learned counsel for the applicants would submit that the applicants, who were alleged to be the Directors in Mandar Housing Society Ltd. have ceased to be it's Directors w.e.f. 14/08/2013 and this is clear from the information submitted by the company to the ROC. It is also submitted that the two applicants, who were partners in M/s.Om Mandar Realtors, have also ceased to be the partners in the said partnership firm w.e.f. 16/07/2013 by drawing a Deed of Retirement dated 11/09/2013. The said deed, settling the responsibilities of the retiring partners in full and final settlement of the books of account and goodwill, is placed on record.

4. The Investigating Officer does not dispute the said document and that is why, when he filed the affidavit

opposing the bail applications on 17/06/2019, he categorically made a statement that both the applicants have retired from the company and the custodial interrogation is necessary to find out where the money has been invested, since they might be aware of the fraudulent transaction.

5. When the applicants were admitted to protection, they were directed to attend the police station and it can be very well said that by last four years, the Investigating Officer must have extracted the requisite information, which he desired from the two applicants. The Investigating Officer, who is present in the Court, states that the custodial interrogation of the applicants is no more warranted. In the wake of the above, order dated 10/09/2018 is made absolute. Needless to state that the applicants shall continue to render their co-operation to the Investigating Officer.

6. In view of the disposal of the applications, interim applications do not survive and stand disposed off.

(SMT. BHARATI DANGRE, J.)