

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

APPLICATION FOR CANCELLATION OF BAIL NO.98 OF 2020

Deelip Vijaykumar Kotecha ...Applicant

Versus

Sunil Manakchand Kotecha And Others ...Respondents

Mr. D.S. Bagul, Advocate for the applicant.

Mr. A.K. Gawali, Advocate for respondents No. 1 and 2.

Mrs. R.P. Gour, APP for respondent No. 3.

[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 3rd FEBRUARY, 2023

ORDER :

1. This application is filed under section 439(2) Cr.P.C., seeking cancellation of anticipatory bail granted in favour of respondents No. 1 and 2 by learned Additional Sessions Judge, Jalgaon, in Crime No. 247 of 2020, registered with Ramanand Nagar Police Station, Jalgaon, for offences punishable under sections 420, 465, 466, 467, 468, 468, 470 and 471 read with 34 of the Indian Penal Code.

2. Heard the learned advocate for applicant, learned advocate for respondents No. 1 and 2 and learned Additional Public Prosecutor for respondent No. 3. Perused the documents placed on record.

Bhagyawant Punde

3. It is necessary to mention here that in the month of November-2022 charge sheet is filed in the present crime and case is numbered as Regular Criminal Case No. 985/2021, which is pending before learned Judicial Magistrate First Class, Jalgaon, for framing of charge.

4. Perusal of record, prima facie, indicate that there is civil dispute between the parties. The parties have fought the litigation till this Court on civil side.

5. As per the allegations in the FIR, respondents have prepared forged resolution dated 19.04.2019 and in fact resolution was passed on 19.02.2019.

6. According to the respondents No. 1 and 2, same is a typing mistake. No transactions have taken place pursuant to alleged forged resolution. In the liquidation, accounts were freezed under the orders of this Court at Principal seat and according to respondents No. 1 and 2, purpose of applicant in lodging the FIR is served, since the accounts of respondents No. 1 and 2 are freezed.

7. Be that as it may, since the matter is subjudice before learned Judicial Magistrate First Class, Jalgaon, at this stage, it is not desirable to cancel the anticipatory bail granted to respondents No. 1 and 2 in the year 2020. In the result, application is rejected.

[NITIN B. SURYAWANSHI, J.]