

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1374 OF 2023

1. Pravee Tayal
2. Pradeep Tayal ...Applicants

Versus

The State of Maharashtra ...Respondent

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Mr. R. R. Totala, Advocate for the Applicants.
Mrs. R. P. Gour, APP, for the Respondent – State.

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CORAM : R.M. JOSHI, J

DATE : AUGUST 17, 2023

PER COURT :

1. Not on board. Upon being mentioned, taken on production board.

2. Applicants apprehend arrest in connection with with C.R. No. 270 of 2023 registered with Chillakallu Police Station, NTR Commissionerate, Andhra Pradesh for the offences punishable under Sections 409, 420 of the Indian Penal Code on the basis of report lodged by Chinthabathina Sekhar.

3. Learned Counsel for the Applicants states that on the basis of the agreement dated 28th October, 2020

appointment of arbitrator was done and pursuant thereto arbitration proceedings have commenced with filing of the statement of claim by the Applicants herein. It is contended that with a view to falsely implicate and pressurize the Applicants in connection with same agreement dated 28th October, 2020, the first information report came to be lodged. It is submitted that the complainant is trying to give colour of criminal offence to the commercial transaction between parties.

4. Learned Counsel for the Applicants drew attention of the Court to the pleadings in the application wherein it is specifically stated that on 13th August, 2023 and 15th August, 2023 Applicant No. 1 received phone calls from concerned police station from mobile nos. 8498031088 & 9440796465 informing the Applicants that the police is visiting Aurangabad to arrest them. It is submitted that Applicant's liberty be protected till they are in a position to approach the Court of competent jurisdiction for seeking appropriate relief.

5. Perusal of the record *prima facie* shows that

in respect of agreement dated 28th October, 2023 an arbitrator was appointed by this Court by order dated 13.02.2023 in Arbitration Application No. 21/2022. The arbitration proceedings commenced before retired Judge of this Court and that statement of claim has also been filed therein. Apparently, after said proceedings commenced, report came to be lodged before police in relation to the same transaction. *Prima facie* having regard to the facts of the case, this Court finds substance in the contention of the Counsel for the Applicant that this could be a case of false implication or pressurizing tactics being adopted against Applicants by informant. The applicants have residence within jurisdiction of this Court and the arrest is apprehended at Aurangabad. Therefore, it cannot be said that this Court lacks jurisdiction to protect the liberty of Applicants, till they approach Court of competent jurisdiction. Hence, case is made out by the Applicants to protect their liberty for the period of one week from today.

6. Hence, application stands allowed. Till 24th August, 2023 the liberty of the Applicants is protected

in connection with C.R. No. 270 of 2023 registered with Chillakallu Police Station, NTR Commissionerate, Andhra Pradesh for the offences punishable under Sections 409, 420 of the Indian Penal Code. In the event of arrest of the Applicants in connection with Crime No. 270 of 2023, they be released on bail on furnishing PR bond of Rs. 15,000 (Rupees Fifteen Thousand Only) each with one solvent surety in the like amount till 24th August, 2023. It is clarified that this order shall stands lapsed on 24th August, 2023. Application is disposed of on aforesaid terms.

7. Parties shall act upon an authenticated copy of this order.

(R.M. JOSHI, J.)

Malani