

*Shiv*

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION  
ANTICIPATORY BAIL APPLICATION NO.2805 OF 2022**

|                             |               |
|-----------------------------|---------------|
| Rajiv Manilal Shah and Ors. | ...Applicants |
| vs.                         |               |
| State of Maharashtra        | ...Respondent |

**WITH  
INTERIM APPLICATION NO.3889 OF 2022  
IN  
ANTICIPATORY BAIL APPLICATION NO.2805 OF 2022**

|                             |               |
|-----------------------------|---------------|
| Rajendra A. Desai           | ...Intervenor |
| In the matter between       |               |
| Rajiv Manilal Shah and Ors. | ...Applicants |
| vs.                         |               |
| State of Maharashtra        | ...Respondent |

Mr. Sumant Deshpande for the Applicant in ABA No.2805/2022.  
None for the Applicant in IA No.3889/2022.  
Mr. H. J. Dedhia APP for the Respondent-State.  
Mr. M. S. Sarare, PS (Crime), Karad City police station present.

**CORAM : S. M. MODAK, J.**

**DATED : 23RD MARCH 2023**

**P. C. :**

1. Heard learned Advocate for the Applicant and learned APP for the Respondent-State.

2. Considering the submission that final summary report was submitted by Karad City police station to the Court of JMFC, this Court is of opinion that this Application be disposed of.

3. Learned Advocate for the Applicant sought time to take instructions. On last date there was appearance on behalf of the intervenor/first informant. Today, no one is present.

4. Learned Advocate for the Applicant-accused placed on record copy of final summary report submitted by the police to the Court of JMFC. There is an order dated 18th January 2023, thereby calling upon say of the complainant-first informant.

5. Learned APP read over summary of the conclusion mentioned. In column No.17, summary is in two parts. The first part says that no offence under sections 409, 420, 465, 467, 468, 477 of IPC and under section 3 of the Prohibition of Benami Transactions Act, 1988 is disclosed. The second part says that the offence under section 417 of IPC is disclosed against accused Nos.2 to 21.

6. Today this Court does not know what type of order is passed by the learned Metropolitan Magistrate. There could be an order to accept that report or may be refusal to accept that report and issued certain directions to police. In that case, that order can be said to be

adverse order against these Applicants.

7. It appears that in view of above circumstances, there is no point in keeping this application pending, till final disposal of summary report and by granting certain directions to the Applicants.

8. On the basis of above circumstances, in case of need, the Applicants can be permitted to approach the Court of Additional Sessions Judge rather than approaching this Court. Hence the following order is passed :

#### O R D E R

- (a) In case if any adverse order is passed against the Applicants which gives rise to apprehension of arrest, the Applicants are granted liberty to approach the Court of Additional Sessions Judge, Karad, thereby seeking protection from arrest.
- (b) In that eventuality, the concerned Court may decide that Application considering it as change of circumstances.
- (c) In view of this, above development then taken place after rejection of the Anticipatory Bail Application by the Additional Sessions Judge, Karad, if adverse orders are there, the police not to take coercive steps for seven days against the Applicants.

- (d) Application is disposed of.
  - (e) In view of disposal of the Application, Interim Application is also disposed of.
9. All parties to act on authenticated copy of this order.

**[S. M. MODAK, J.]**