

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO. 328 OF 2023

Rupesh Tukaram Pawar ...Applicant
vs.
The State of Maharashtra and Anr. ...Respondents

**ALONGWITH
INTERIM APPLICATION NO. 534 OF 2023
IN
ANTICIPATORY BAIL APPLICATION NO. 328 OF 2023**

Dalbirsingh Puransingh Mundhi ...Applicant
vs.
The State of Maharashtra and Anr. ...Respondents

Mr. Ganesh Gole a/w Mr. Shivkumar Mishra i/by Virendra B. Jabra -
Advocate for the Applicant in ABA 328 of 2023.
Ms. Heena Faruk a/w Mr. Adil Naqvi- Advocate for the Applicant in
IA 534 of 2023.
Mr. H. J. Dedhia - APP for the Respondent-State
PSI P. N. Kadam – Manikpur Police Station

CORAM : S. M. MODAK, J.

DATE : 24th APRIL, 2023

P. C. :-

INTERIM APPLICATION NO. 534 OF 2023

1. The first informant wants to intervene in the matter.
Heard learned Advocate for the Applicant.

2. Let it be allowed. Interim application is disposed of.

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3. During amidst of the arguments, learned Advocate Shri Gole relied upon compilation of the documents consisting of in all 86 pages. The same is taken on record and marked as 'Annexure-X'. Predominantly, it consists of documents relating to the account. The description is given in first two pages. Its copy is supplied to the learned APP. Matter was kept back in order to give some time to learned APP as to whether today he is ready to go on with the matter and whether he wants adjournment.

4. After matter is called out after some time, learned APP submitted that the investigating officer needs to ascertain those documents by showing it to the Chartered Accountant of the Company, who has initially checked account as referred in the F.I.R. and also in the complaint. His request is understandable.

5. Learned APP tried to explain what are the difficulties faced by the Investigating Agency considering the role played by the present Applicant. Let Investigating Agency to ascertain those papers and documents from whatever mode is available to them. Let copy of

annexures be also supplied to learned Advocate for the first informant.

6. When interim protection was granted on 03/02/2023, there was direction to attend on three dates. Considering the allegations, I think the Applicant again needs to be directed to give attendance. During the attendance investigating officer who is PSI Kadam can certainly interrogate him on the basis of those documents and on other aspects also. The Applicant to co-operate the Investigating Officer.

7. Even though in the F.I.R. at page no. 50, the name of the officer is mentioned as Inspector Ojha, now it is said that the PSI Kadam is investigating the case.

8. During arguments, learned Advocate Shri Gole has made grievance against one officer ASI Girwale attached to Manikpur Police Station. At his instance, there is an allegation that the Applicant was compelled to issue six cheques. The said ASI Girwale called the Applicant for inquiry. Copy of that letter calling for an inquiry dated 26/10/2022 is at page no. 78. Whereas the Applicant has made protest about the conduct of the ASI Girwale, as per his complaint acknowledged by the office of the Commissionerate on

28/10/2022 at page no. 86 and also stop payment instructions issued to the bank to that effect vide letter dated 17/10/2022 is at page no. 83. There is an apprehension that in view of his complaint the said ASI Girwale is likely to harass the Applicant. In view of this application, let the Police Inspector or Senior Police Inspector of that Manikpur Police Station to give the instructions to the ASI Girwale not to associate himself with the investigation of the present offence. These observations is made without going into details of the allegations made against him.

9. Learned APP submitted that now it is a father of the present Applicant who is threatening the investigating officer and station diary to that effect is made. They are at liberty to take appropriate steps and point out that materials to this Court.

10. In view of that following order is passed:-

ORDER

- (i) Applicant is directed to give attendance to the Manikpur Police Station on every Saturday from 10 a.m. to 12.00 noon until further orders. He is at liberty to produce the documents which he wants to rely upon and the Investigating officer is at liberty to interrogate him on the basis of those documents and on other

aspects.

- (ii) Applicant by himself or through any other person not to threaten the prosecution witnesses or allure them in any manner.

11. Matter be kept on **12th June, 2023**.

12. Learned APP is at liberty to place on record all the materials collected on the basis of verifying the accounts produced by the Applicant today and otherwise also.

13. With above said observations, interim protection granted earlier to continue till next date.

[S. M. MODAK, J.]