

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

ANTICIPATORY BAIL APPLICATION NO. 1034 OF 2023

1. Vilas Ramchandra Shirke
2. Kalpana Vilas Shirke
v/s.
The State of Maharashtra

.... Applicants
.... Respondent

**WITH
INTERIM APPLICATION NO. 2238 OF 2023
IN
ANTICIPATORY BAIL APPLICATION NO. 1034 OF 2023**

Priyam Kembre

.... Intervenor

In the matter between :-

1. Vilas Ramchandra Shirke
2. Kalpana Vilas Shirke
v/s.
The State of Maharashtra

.... Applicants
.... Respondent

Mr. Prablin Singh Abrol for the Applicants.
Ms. A.A. Takalkar, APP for the State.
Mr. Ateet Mhambrey a/w. Ms. Tanvi Rathod i/b. Mhambrey
and Co. for the Intervenor.
Mr. Pulellu, API, Dindoshi Police Station, present.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 01st AUGUST, 2023.

P. C. :-

. The Application is already withdrawn as against Applicant No.1.
The Applicant No.2 apprehends her arrest in C.R.No.197/2023
registered with Dindoshi Police Station, Mumbai for offences
punishable under sections 406, 420 r/w. 34 of the Indian Penal Code.

2. Heard learned counsel for the Applicants, learned APP for the State and learned counsel for Respondent No.2/Intervenor. I have perused the records and considered the submissions advanced by the learned counsel for the respective parties.

3. The aforesaid crime was registered pursuant to the FIR lodged by Priyam Kembre. The facts narrated in the FIR prima facie reveal that the first informant was introduced to one of the partners of the partnership firm – M/s. Shircon Enterprises, which is engaged in the business of construction. It is stated that during the period from 2012-13, the first informant had invested an amount of Rs.28,14,875/-. It is stated that the Applicants did not pay to the first informant 25% of the profit as agreed. It is also stated that the Applicant No.1 had sold the flats and had not deposited the entire sale consideration in the account of the partnership firm.

4. The Applicant No.2 is a woman and considering the role attributed to her, this Court by order dated 18/07/2023, had granted interim protection to the Applicant No.2. Learned APP states that pursuant to the said order, the Applicant has reported to the Investigating Officer and that she has been interrogated. Even

otherwise, the FIR lodged in the year 2023 is in respect of the investment made in the year 2012-13. The records prima facie indicate that the dispute is essentially between the partners which is otherwise covered under the terms and conditions of Partnership Deed which also contains arbitration clause.

5. Considering the above facts and circumstances, in my considered view, the presence of the Applicant No.2 is not required for the purpose of custodial interrogation. Hence, the interim bail granted to the Applicant No.2 vide order dated 18/07/2023, stands confirmed. The Applicant No.2 shall appear before the Investigating Officer as and when called for.

6. Application for Anticipatory Bail and Interim Application stand disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)

**PREETI
HEERO
JAYANI**

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by PREETI
HEERO JAYANI
Date: 2023.08.02
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