

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1150 OF 2023**

Padman Kumar Dash

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Kushal Mor a/w. Mr. Mananendra Mishra, Mr. Rayden Fernandes and Mr. Palash Bhatkati i/by M/s. Khaitan & Co. For the Applicant.

Mr. H. J. Dedhia, APP for the Respondent-State.

Mr. Dipak Gavit-8928038494, API, CBD Belapur Police Station-present.

CORAM : S. M. MODAK, J.

DATE : 20th APRIL, 2023

P.C.

1. Heard learned Advocate for the Applicant, learned APP for the Respondent-State. Police Officer of CBD Belapur Police Station is present.

2. The offence is registered at Ganj Police Station, District Raipur, Chhattisgarh, at C.R. No.100 of 2023, under Section 420 read with 34 of the Indian Penal Code, 1860, against the present Applicant and others. The some and substance of the allegation

is that the first informant-Sandip Kumar Prajapati has sold goods to Nuprotin Feeds Private Limited, Bhubaneswar, Odisha and present Applicant is its Director. Whereas the first informant is Director of Shri. Sai Sales. The allegation is that the company of which present Applicant is Director have lastly purchased the materials worth Rs.2,30,00,000/- and made payment of only Rs.2,00,00,000/-. Whereas still they owe an amount of Rs.30,00,000/-. There is further allegation that the company of which the Applicant is Director has closed down their business and now there whereabouts are not known. That is why the first informant apprehended that the company of the first informant has duped.

3. The cause of action for filing of this Application for Anticipatory Bail for limited duration is visit of certain Police Officers in a civil dress to the house of the Applicant, at the early hours of 14th April 2023. The Applicant was not present in the house at that time. There was protest made by the Applicant by way of his written compliant dated 17th April 2023, addressed to Senior Police Inspector, CBD, Belapur Police Station. Its copy is

annexed at Exhibit-D to the Application.

4. As against this, it is submitted on behalf of the learned APP that already notice under provisions of Section 41A of the Code of Criminal Procedure, 1973 was issued to the Applicant. The typed copy of this is at page 66. The Applicant was asked to remain present in the Thana Ganj Police Station, District Raipur today i.e. 20th April 2023. According to learned APP that notice was issued not for arresting the Applicant, but only for seeking his co-operation with the investigation. Learned advocate for the Applicant submitted that he is ready to co-operate, but he apprehends that he will be arrested once he will go to Ganj Police Station.

5. According to learned APP earlier to this notice, there was also a letter dated 18th June 2022, issued by Kotwali City Police Station, Raipur to the Applicant, which is on page 76. At that time, offence was not registered. According to learned APP, the Applicant has given an evasive reply that he is not concerned with the business of the company and let all the documents be collected from the Odisha office.

6. Learned Advocate for the Applicant submitted that infact when Kotwali City Police Station conducted an enquiry, there was no reason for the first informant to approach Ganj Police Station that is why he apprehend that once he appear he will be arrested.

7. It is true that at present no one from Ganj Police Station is present and it is the Courts in the State of Chhattisgarh can only be in a better position to deal with such a request. The Division Bench of this Court in the following matters have granted a limited protection from arrest. It is for the purpose of approaching appropriate Courts. These orders are as follows:-

- (i) Sameer Jai Hiremath Vs. State of Maharashtra & Ors., reported in (2022 SCC Online Bom 2644);
- (ii) Amol Gunaji Sonawane & Anr. Vs. The State of Maharashtra & Anr., in Anticipatory Bail Application No.1770 of 2021;
- (iii) Neeraj Shyam Sahay Vs. The State of Maharashtra & Ors., Anticipatory Bail Application No.397 of 2021;

8. The view expressed in those orders is certainly binding on this Court. It is true that full Bench of this Court is hearing the matter involving a similar issue. Be that it may, as on today,

there are views expressed by the Division Bench in favour of the granting temporary Anticipatory Bail.

9. There is a request to grant protection for eight weeks that will be too long. I am inclined to grant it only for three weeks from today.

10. Hence, the following order is passed:-

(i). In the event of arrest in connection with C.R. No.100 of 2023 registered at Ganj Police Station, Raipur, Chhattisgarh, by any Police Officer for the offences punishable under Sections 420 read with 34 of the Indian Penal Code, 1860, the Applicant be released on furnishing personal bond and surety bond of Rs.25,000/-.

(ii). This protection is granted only for three weeks from today.

11. Application is disposed of in the above terms.

12. These are my *prima facie* observations.

13. All the parties to act on an authenticated copy of this order.

[S. M. MODAK, J.]