



Sayali Upasani

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

ANTICIPATORY BAIL APPLICATION NO. 1158 OF 2023

Nikhil Subhas Ostwal

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Veerdhawal Kakade i/b Ms. Mrunal Jadhav, for
Applicant.

Mrs. A. A. Takalkar, APP for State.

Mr. Akshay Kumar Pati, PSI, Shivaji Park Police Station,
Present.

CORAM:- N. J. JAMADAR, J.

DATED:- 25th AUGUST, 2023

P.C.:-

- 1) Heard the learned Counsel for the parties.
- 2) This is an application for pre-arrest bail in connection with C.R. No.80 of 2023, registered with Shivaji Park police station, Mumbai, for the offences punishable under Sections 120B, 420, 465, 467, 468, 471, 511 of Indian Penal Code, 1860.
- 3) The applicant is a Tax Practitioner. On 20th April, 2023, this Court was persuaded to grant interim relief with a

direction to the applicant to co-operate with the investigation, appearing before the Investigation Officer and furnish the documents which were submitted by the co-accused at the time of filing of the income tax returns.

4) The learned Counsel for the applicant submits that the applicant did appear before the Investigating Officer as directed and submitted the documents which were in his custody and which form part of the chargesheet which has been filed.

5) The learned APP submits that the applicant has not produced the documents on the basis of which income tax returns were prepared.

6) The income tax returns are for the Assessment Years 2012-2012, 2013-2014 and 2014-2015. At this distant point of time, it would be difficult for the applicant to produce those supporting documents as ordinarily documents are with the assessee, urged Mr. Kakade, the learned Counsel for the applicant.

7) I find substance in the submission of the learned Counsel for the applicant. Having regard to the role attributed to the applicant and the fact that the applicant had appeared before the Investigating Officer and produced the documents which

were in his custody, further custodial interrogation does not seem to be warranted.

8) Hence, I am inclined to make the interim order dated 20th April, 2023, absolute on the terms and conditions incorporated therein.

9) In addition, the applicant shall appear before the Investigating Officer and when directed.

10) The applicant shall also appear before the jurisdictional Court regularly.

11) The application stands disposed.

[N. J. JAMADAR, J.]