MEGHA S PARAB Digitally signed by MEGHA S PARAB Date: 2023.04.21 20:27:54 +0530

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.762 OF 2020

1. Prakash Suvalal Lalwani
2. Mrs. Snehal Prakash Lalwani
3. Satish Satyanarayan Sarda ...Applicants

Versus

The State of Maharashtra and Anr. ...Respondents

...

Mr. R.D. Soni with Mr. Sujay N. Gawade and Ms Mudita H. Pawar i/b. M/s. Shree and Co. for the Applicants.
Mr. Niranjan Mundargi with Mr. Dnyaneshwar Jadhav and Mr. Noel Thomas for M/s. Legasis Partners for Respondent No.2.
Mr. S.V. Gavand, APP for the Respondent -State.
Mr. Amit Shitole, API, EOW, Solapur Rural, present.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 20th APRIL, 2023.

P. C. :-

1. This is an application under Section 438 of the Cr.P.C. filed by the aforesaid Applicants apprehending their arrest in C.R. No.57 of 2020 registered with Pandharpur City, District-Solapur-Rural, for the offences punishable under Sections 406, 409, 417, 420, 423 and 424 r/w 34 of the IPC and Sections 143, 447, 448 and 67(8) of the Companies Act, 1956.

2. Heard Mr. Soni, learned counsel for the Applicants, Mr.

Niranjan Mundargi, learned APP for the Intervenor and Mr. S.V. Gavand, learned APP for the Respondent-State. I have perused the records and considered the submissions advanced by the learned counsel for the respective parties.

3. The Applicants are Directors of a Company viz. Pedicare Pharmaceuticals, which is in the business of marketing pharmaceutical preparations. The First Informant, who is also one of the Directors has lodged the FIR alleging that the Applicants herein have formed another Company in the name of SKL Corporation Pvt. Ltd. and that he has diverted the funds of the said Company into his Company. The First Informant has also alleged financial irregularities, which were committed about 6 years prior to 2019, when statutory audit was carried out.

4. Considering the accusations, this Court (Coram : A.S. Gadkari, J.) by order dated 31/07/2020 granted interim bail to the Applicants. It is stated that the Applicants have reported to the Investigating Officer and that they have been interrogated. It is further stated that charge-sheet has been filed. In such circumstances, no case is made out for custodial interrogation. Hence, the application is

allowed. Interim order dated 31/07/2020 stands confirmed.

5. The Applicants shall report to the Investigating Officer as and when required by the Investigating Officer.

6. The Applicants shall not tamper with the prosecution evidence and or influence the witnesses in any manner.

7. The Applicants shall keep the Investigating Officer informed of their current address and mobile contact numbers, and /or change of residence or mobile details, if any, from time to time.

8. The application stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)