

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 1563 OF 2022
WITH

INTERIM APPLICATION NO. 2597 OF 2022

Santosh Balkrishna Babhulkar ...Applicant

Versus

The State of Maharashtra ...Respondent

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Mr. Shivaji Yadav i/b Mr. Anil Kamble for the Applicant.

Mr. Pratik Kalantri for the Intervener.

Mr. S.S. Hulke, APP for the State.

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CORAM : N.R. BORKAR, J.

DATED : 17 JANUARY 2023

P.C. :-

This is an application filed under Section 438 of the Code of Criminal Procedure for anticipatory bail.

2. This Court on 16 June 2022 passed the following order:

- “1. Heard the learned counsel for the parties.*
- 2. At the outset the learned counsel for the applicant seeks leave to amend so as to annex the legible copy of the first information report.*
- 3. Leave to amend.*
- 4. This is an application for pre-arrest bail in connection with C.R. No.85 of 2021 registered with Ambad police station, Nashik for the offences punishable under sections 420, 463, 465, 471, 504 and 506 read with 34 of Indian Penal Code, 1860.*

5. The first information report came to be registered pursuant to an order passed by the learned Magistrate under section 156(3) of the Code of Criminal Procedure, 1973, on a complaint bearing No.1165 of 2020 lodged by Mr. Suhas Nivrutti Karekar that in the wake of the dispute between the complainant and the applicant, the applicant allegedly submitted a Resolution to the Bank to the effect that the applicant was alone entitled to operate the accounts of the company. It was alleged that the Resolution was forged. The applicant allegedly misappropriated an amount of Rs. 21 lakhs.

6. The learned counsel for the applicant submits that the complainant and the applicant were the Directors of Techno port System Company. Even the applicant has also lodged a report against the complainant leading to registration of C.R. No. 130 of 2021 for the offences punishable under sections 420, 464, 465, 466, 468, 471, 474 read with 34 of Indian Penal Code, 1860. The instant complaint has been lodged to give a counter blast to the said prosecution.

7. The learned APP seeks time to take instructions.

8. Evidently, the genesis of the alleged offence is in the dispute between the Directors of the company. The learned Session Judge also adverted to the fact that the dispute between the complainant and the applicant is essentially about controlling rights over the Company. In the backdrop of the nature of the accusation, the matter warrants consideration. In the meanwhile, I am inclined to protect the liberty of the applicant by an interim order. Hence, the following order.

ORDER

1] In the event of arrest in C.R. No. 85 of 2021 registered with Ambad police station, Nashik, the applicant Santosh Balkrishna Babbhulkar be released on bail on furnishing a P.R. bond in the sum of Rs. 20,000/- with one or two sureties in the like amount.

2] The applicant shall cooperate with the investigation.

3] The applicant shall attend Ambad police station, Nashik on every alternate Sunday from 10 am to 12 noon

till the next date. List on 22 July 2022.”

3. On 21 December 2022, the learned APP on instructions had made the statement that custodial interrogation of the applicant is not necessary. It appears that thereafter the prosecution has filed the charge-sheet against the applicant. Considering these facts and circumstances, interim order passed by this Court dated 16 June 2022 is hereby confirmed. Application is disposed of.

4. Interim application does not survive and the same is disposed of.

(N.R. BORKAR, J.)

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signed by
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JADHAV
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