



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

ANTICIPATORY BAIL APPLICATION NO. 1786 OF 2023

1. Seema w/o Nilesh Goyal
2. Rekha Anand Kanodia ...Applicants

Versus

State of Maharashtra and anr. ...Respondents

WITH

ANTICIPATORY BAIL APPLICATION NO. 1787 OF 2023

Syamsunder Radhakrishna Gupta ...Applicant

Versus

State of Maharashtra and anr. ...Respondents

Mr. Ashok Saraogi, for the Applicants.

Smt. Ashwini Takalakar, APP for the State/Respondent.

Mr. Ronak Parekh a/w Sheldon D'souza, for Respondent

No.2.

IO API Gajanan Bharti, Dindoshi Police Station, Mumbai,
present.

CORAM: N. J. JAMADAR, J.

DATED: 3rd October, 2023

PC:-

1. Heard the learned Counsel for the parties.
2. At the outset, the learned Counsel for respondent No.2 – first informant, submits that the name of the company in paragraph Nos.2 and 3 of the order dated 28th August, 2023, “Aaja Hotel Pvt. Ltd” is required to be substituted by “Anthios Bio Pharma Pvt. Ltd.” Mr. Saraogi concurs.

3. In the order dated 28th August, 2023, the name of the Company, on page 2, in paragraph 2, line No.8 and paragraph 3, line No.2, **“Aaja Hotels Pvt. Ltd.”** be substituted by **“Anthios Bio Pharma Pvt. Ltd.”**.

4. Further portion in paragraph 2 of the order commencing from the word, **“which”** to **“first informant’s company”**, be also deleted.

5. Order dated 28th August, 2023 be corrected accordingly.

6. Rest of the order remains unaltered.

7. Mr. Saraogi, the learned Counsel for the applicants, submits that in terms of order dated 28th August, 2023, the applicants have deposited an amount of Rs.25,37,500/- in this Court.

8. The learned Counsel for respondent No.2 – first informant, submits that respondent No.2 – first informant be permitted to withdraw the said amount.

9. Mr. Saraogi, the learned Counsel for the applicants, submits that the applicants, without prejudice to their rights and contentions, have no objection to permit respondent No.2 – first informant to withdraw the amount deposited by the applicants on 28th August, 2023.

10. It appears that pursuant to the order passed by this Court, the applicants have appeared before the Investigating Officer and cooperated with the investigation. The applicants deposited the amount of Rs.25,37,500/- of which the first informant has allegedly been defrauded. The applicants have, without prejudice to their rights and contentions, given no objection for withdrawal of the said amount by respondent No.2 – first informant. In any event, the offence revolves around the documents; further custodial interrogation of the applicants does not seem to be warranted. I am, therefore, impelled to make the order of interim bail dated 28th August, 2023 absolute.

11. Hence, the following order:

: O R D E R :

- (i) Order of interim bail dated 28th August, 2023 is made absolute on the terms and conditions incorporated therein.
- (ii) The applicants shall appear before the Investigating Officer as and when directed.
- (iii) The applicants shall regularly attend the proceedings before the jurisdictional Court.

- (iv) Without prejudice to the rights and contentions of the applicants, respondent No.2 – first informant, is permitted to withdraw the amount of Rs.25,37,500/- alongwith the interest, if any, accrued thereon.
- (v) Registry shall pay the aforesaid amount alongwith interest, if any, on proper identification and in accordance with Rules.
- (vi) Applications stand disposed.

[N. J. JAMADAR, J.]