

Nikita

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

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ANTICIPATORY BAIL NO.2075 OF 2023

Ameet Kasturlal Luthrra and Anr. ... Applicants

V/s.

State of Maharashtra ... Respondent

Mr. Vishwajit P. Sawant Senior Advocate a/w Prabhakar
M. Jadhav for the Applicant.

Mr. Satyavrat Joshi, for the Complainant.

Mrs. Rutuja Ambekar, APP for the State/Respondent.

CORAM : AMIT BORKAR, J.

DATED : 24 JULY, 2023

P.C.:

1. Apprehending arrest in connection with C.R. No.363 of 2022, dated 14th July 2023 registered at Viman Tal Police Station Pune 498-A, 465, 420, 406 and 34 of the Indian Penal Code, 1860.
2. It appears that the Sessions Judge has rejected the interim protection during pendency of application under Section 438. On prima facie perusal of the report and other material, it appears that the allegation against the applicants is non furnishing of amount of company wherein the applicants and informant are directors.
3. Second allegation is of joint purchase of immovable property and forging the documents. On prima facie perusal of the report, it appears that the dispute is between the husband and wife. The

detailed consideration of the report and papers may affect the rights of the parties pending before the Sessions Judge however reading of First Information Report and material makes prima facie case in favour of the applicant for grant of interim relief during the pendency of the application under Section 438. Hence following order:

- a) During pendency of application under Section 438 of Code of Criminal Procedure, 1973 before the Sessions Judge Pune, in the event of arrest of applicants in connection with C.R. No.363 of 2022, dated 14th July 2023 registered at Viman Tal Police Station Pune 498-A, 465, 420, 406 and 34 of the Indian Penal Code, 1860, they be released on bail on furnishing PR. bond in the amount of Rs.25,000/- each along with one or two sureties in the like amount.
 - b) During the pendency of the application, the applicants shall remain present before the Investigating Officer on 26th July, 28th July and 1st August between 11.00 a.m. to 2.00 p.m. and thereafter as and when called by the Investigating Officer.
 - c) The Sessions Judge shall decide the application under Section 438 finally and uninfluenced by the observation if made in the said application.
4. The Anticipatory Bail Application stands disposed of.

(AMIT BORKAR, J.)