

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.2466 OF 2023

Ekta Dimple Shah and Anr.

...Applicants

vs.

The State of Maharashtra

...Respondent

Mr. P.A. Pol a/w. Mr. Sharad Suryawanshi, Mr. Ranjit Hatkar i/b. Pol
Legal Juris, for the Applicants

Smt. A.A. Takalkar, APP, for the Respondent/State.

Mr. Harekrishna Mishra, for the Intervener.

Mr. R.S. Patil, HC, Khopoli police station.

CORAM : N. J. JAMADAR, J.

DATE : DECEMBER 20, 2023

P.C.:

1. Heard the learned counsel for the applicants and the learned
APP for the State.

2. This application is preferred seeking pre-arrest bail in
connection with C.R. No. 252 of 2023 registered at Khopoli police
station for the offences punishable under sections 120-B, 420, 409,
405 and 411 of Indian penal Code, 1860.

3. When the application was listed before the Court on 31st
August, 2023 this Court was persuaded to grant interim protection
observing inter alia, as under:-

5] Mr. Pol, the learned Counsel for the applicants
submitted that as the applicants had paid a sum of
Rs.10,00,000/- against the second consignment and the
oil valued of Rs.19,35,000/- is recovered, the applicants
are willing to deposit a sum of Rs.12,50,000/- in this

Vishal Parekar

It is a corrected order as per Speaking to Minutes order dated 8th February, 2024.

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Court without prejudice to the rights and contentions of the applicants.

6] The genesis of the offences appears to be in the transaction of sale and delivery of the oil. Since a substantial part of the commodity has been recovered and the applicants are willing to make a deposit of Rs.12,50,000/- in this Court, by way of interim order, the liberty of the applicants can be protected by directing them to join in the investigation so as to facilitate further investigation.

4. The learned counsel for the applicants submit that pursuant to the aforesaid direction, the applicants have deposited Rs. 12,50,000/-.

5. The learned APP on instructions submits that the applicants have appeared before the investigating officer and cooperated with the investigation and post completion of investigation charge-sheet has also been lodged.

6. In view of the aforesaid development and the reasons which weighed with this Court and the fact that the genesis of the offences is in the transaction of sale of the goods, it may be expedient to make the order of interim bail absolute.

Hence, the following order.

ORDER

1] The order of interim bail dated 31st August, 2023 is made absolute on the terms and conditions incorporated therein.

Vishal Parekar

It is a corrected order as per Speaking to Minutes order dated 8th February, 2024.

2] In addition, the applicants shall regularly attend the proceedings before the jurisdictional Court.

3] The amount of Rs. 12,50,000/- deposited by the applicants along with interest, if any, accrued thereon be transferred to the Court of learned Judicial Magistrate, First Class, Khalapur exercising the jurisdiction over the Khopoli police station.

4] It is clarified that these prima facie observations are confined to determine entitlement to pre-arrest bail only.

Application disposed.

(N. J. JAMADAR, J.)