

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 2907 OF 2022

Dipak Ankush Kshirsagar ... Applicant

Versus

The State of Maharashtra ... Respondent

WITH

INTERIM APPLICATION NO. 315 OF 2023

.....

Mr. Sugandh Deshmukh alongwith Irvin D'Souza for the Applicant.

Ms. Veera Shinde, APP for the State.

Mr. Amit Karva for the Intervenor.

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CORAM : N.R. BORKAR, J.

DATED : 1 MARCH 2023

P.C. :-

. This is an application filed under Section 438 of the Code of Criminal Procedure, 1973 for anticipatory bail.

2. The applicant is apprehending his arrest in Crime No. 683 of 2022 registered at Pimpri Police Station, Pune for the offences punishable under Sections 406, 467, 468, 471 r/w. 34 of Indian Penal Code.

3. I have heard the learned Counsel for the applicant, the learned APP for the State and the learned Counsel for the intervenor.

4. On 9 November 2022, this Court passed the following order :

“1. Heard Mr. Deshmukh, learned Counsel for the applicant, Mr. Karva for the original complainant and Mr. Palkar, APP for State.

2. Ms. Bonita Rakesh Dhawan and Rakesh Dhawan (co-accused), are husband and wife. They are Directors of two companies; one in India and other in USA. U.S. Court in May, 2022 passed the final order of divorce whereby marriage of the complainant with Rakesh Dhawan, was dissolved.

3. The applicant herein was the employee of the Company, M/s. Falco E Motors Pvt. Ltd. operating in India. He was appointed as the temporary Director, somewhere in 2016. It is complainant’s case that, in the board meeting held in June, 2019 and March, 2016, although she was not present, her presence was allegedly shown and further under the forged authority, she was represented by the applicant. Complainant’s case is that, the applicant in connivance with Rakesh Dhawan, forged her signature. Any how, it is complainant’s case that, Resolutions passed in the above meetings, were forged and fabricated, to suit the interest of Rakesh Dhawan. However, as on today, applicant is not the employee of M/s. Falco E. Motors Pvt. Ltd. In view of the facts above, prima-facie case is made out for granting interim protection to the applicant, who shall co-operate in the investigation, by marking his presence in the Pimpri Police Station on 18th and 25th November, 2022 between 11:00 to 1:00 p.m.

4. He shall also furnish his contact details, including the mobile number to the Investigating Officer.

5. Stand over to 13th December, 2022 for further consideration. In the meantime, in the event of arrest of the applicant in Crime No.683/2022 registered with Pimpri Police Station, Pune for the offences punishable under Sections 406, 467, 468, 471 read with Section 34 of the Indian Penal Code, applicant shall be released on bail on executing P.R. Bond in the sum of Rs.50,000/- (Rs. Fifty Thousand only) with one or more sureties in the like sum.”

5. Prima-facie, the applicant appears to be victim of dispute between the complainant and her husband co-accused Rakesh Dhawan in relation to ownership and control over the companies in which they are shareholders. There appears to be no need of custodial interrogation.

Considering the overall facts and circumstances, I am inclined to allow the application of the present applicant. In the result, the following order is passed :

- (i) Interim order passed by this Court dated 9 November 2022 is hereby confirmed.
- (ii) The applicant shall attend the concerned police station as and when called by the investigating officer and shall co-operate in the investigation.
- (iii) Interim Application for intervention is disposed of.

(N.R. BORKAR, J.)

KANCHAN
PRASHANT
DHURI

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by KANCHAN
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