



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

**ANTICIPATORY BAIL APPLICATION NO. 3030 OF 2022
WITH
INTERIM APPLICATION NO. 332 OF 2023**

Bhanu Prakash Makhija ...Applicant

Versus

The State of Maharashtra and anr. ...Respondents

WITH

**ANTICIPATORY BAIL APPLICATION NO. 3031 OF 2022
WITH
INTERIM APPLICATION NO. 331 OF 2023**

Prakash Hariram Makhija ...Applicant

Versus

The State of Maharashtra and anr. ...Respondents

Mr. Sagar Shahani, a/w Pranali Darekar, for the Applicants
in both ABA.

Ms. Pallavi Dabholkar, APP for the State/Respondent.

Mr. Divyam Sheth, i/b Khevana Dagli, for the Intervenor.

CORAM: N. J. JAMADAR, J.

DATED: 25th SEPTEMBER, 2023

ORDER:-

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

2. These applications are preferred for pre-arrest bail in connection with MECR No.9 of 2022, registered with DN Nagar Police Station, Mumbai, for the offences punishable under Sections 120-B, 406, 420, 465, 467, 468 and 471 read

with Section 34 of Indian Penal Code, 1860 (“the Penal Code”).

3. By an order dated 27th October, 2022 this Court was persuaded to grant interim protection noting that the genesis of the offences is in a dispute amongst the family members. By a further order dated 28th July, 2023, the applicants were permitted to deposit the amount of Rs.17,00,000/- which the applicants had allegedly misappropriated by misusing the Power of Attorney. The applicants have deposited the said amount of Rs.17,00,000/- in this Court.

4. In the aforesaid view of the matter, since the applicants have been granted interim protection on 27th October, 2022 and have cooperated with the investigation and also deposited the amount of Rs.17,00,000/- which has allegedly been siphoned off, it may be expedient to make order of interim bail absolute, by directing that the amount of Rs.17,00,000/- deposited by the applicants be transferred to the Court of learned Metropolitan Magistrate, 10th Court, Andheri, Mumbai. And the said amount shall abide the orders which may be eventually passed in the trial arising out of MECR No.9 of 2022.

5. Hence, the following order:

: O R D E R :

- (i) The order of interim bail dated 27th October, 2022 is made absolute.
 - (ii) The amount of Rs.17,00,000/- deposited by the applicants in this Court, alongwith interest, if any, thereon, be transferred to the 10th Metropolitan Magistrate Court, Andheri.
 - (iii) The learned Metropolitan Magistrate shall deposit the said amount in an interest bearing account initially for a period one year and keep it renewed till the disposal of Complaint No.34/SW/2022. The said amount shall abide the final decision in the trial arising out of MECR 9 of 2022.
 - (iv) The applicants shall regularly attend the proceedings before the learned Magistrate.
- Applications stand disposed.

In view of disposal of ABA/3030/2022 and ABA/3031/2022, interim applications do not survive and stand disposed.

[N. J. JAMADAR, J.]