

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

**ANTICIPATORY BAIL APPLICATION NO. 3646 OF
2022**

1) Sumatiprasad M. Bafna	
2) Rahul Shah	..Applicants
vs.	
The State of Maharashtra and Ors.	..Respondents

Subodh Desai a/w Karan V. Thorat, Aniesh S. Jadhav, Aditya Sawant, Rushikesh Kekane for Applicants.

Ms. P. N. Dabholkar, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : JANUARY 4, 2023

P.C. :

1. Heard learned counsel for the applicants and the learned APP.
2. This is an application for transit anticipatory bail. The applicants are apprehending arrest in connection with First Information Report ("FIR", for short) No. 494 of 2022 dated 30/09/2022, registered with Khandagiri Police Station, UPD Bhubaneswar, Odisha, for the offence punishable under

sections 420 and 34 of the Indian Penal Code, 1860.

3. The applicant no. 1 is arraigned as an accused no. 4 and the applicant no. 2 is arraigned as an accused no. 3 in the said C.R. The complaint was filed by Mr. Birendra Kishore Nayak. The complaint pertains to an allegation that the complainant purchased 7 Tata Winger High Roof Ambulances from the Tata Motors, Pune. There was some contract for installation of medical and para-medical equipment to be executed by M/s Bafna Health Care Pvt. Ltd. of which the applicant no. 1 was an additional director. It is the contention of the learned counsel for the applicants that he had resigned as additional director on 30/10/2020. According to the learned counsel for applicants the applicant no. 2 is not at all concerned, with M/s Bafna Health Care Pvt. Ltd. The learned counsel for the applicants submits that they want to approach the jurisdictional court in Odisha but till then they need to be protected. The reasons have been stated in paragraph no. 3b. For the reasons stated in the application, the application deserves to be allowed.

4. For the period of 6 weeks from today i.e.

04/01/2023, in the event of arrest of applicants Sumatiprasad M. Bafna and Rahul Shah, in connection with FIR No. 494 of 2022 dated 30/09/2022, registered with Khandagiri Police Station, UPD Bhubaneswar, Odisha, the applicants will be released on bail on furnishing P.R. Bond in the sum of Rs.25,000/- each with one or more sureties in the like amount.

5. The application is disposed of.

(M. S. KARNIK, J.)