



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**935 ANTICIPATORY BAIL APPLICATION NO. 2036 OF 2024
WITH
CRIMINAL APPLICATION NO. 4940 OF 2024 IN ABA/2036/2024**

**BHAVYA NAYAK W/O SHIVANA GOUDA NAYAK AND ANOTHER
VERSUS**

THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant : Mr. Bhandari Anand P.

APP for Respondents/State : Mr. B.B. Bhise

Advocate for assisting APP : Mr. D.A. Madake

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CORAM : ARUN R. PEDNEKER, J.

Dated : December 13, 2024

PER COURT :-

1] Criminal Application No. 4940/2024 is filed for assisting the learned APP. The application is allowed and Mr. D.A. Madake is allowed to assist the learned APP.

2] Heard learned counsel for the applicant, the learned APP for the respondents/State and Mr. D.A. Madake, learned advocate assisting APP.

3] The applicants have approached this Court apprehending arrest in connection with Crime No. 390/2024 dated 20.10.2024 registered with Dharangaon Police Station, Dharangaon, Tal. Dharangaon, Dist. Jalgaon for the offences punishable under sections 420 r/w. 34 of I.P.C.

4] It is the case of the prosecution that since the year 2007

informant is running cotton ginning business. It is alleged that in the year 2022 one agent placed order of 110 cotton bales for Ranjita Enterprises, Raichur and accordingly informant sent the goods amounting to Rs.46,97,481/- and asked the agent to deposit the amount in bank account. Again order of 100 cotton bales for Pioneer Enterprises Raichur was placed by that agent. The informant again sent goods amounting to Rs.39,99,297/-. The informant asked the agents to pay the amount in respect of supplied goods. The agent replied that the amount will be deposited after the delivery of goods. The informant demanded for outstanding amount to the agent repeatedly, but the amount is not paid. Therefore, informant lodged the F.I.R.

5] From the submissions of the parties it appears that the applicant are the agents through whom the goods are routed through to Shakti Ganesh Ltd. It is also submitted that the applicants have invoked Insolvency provisions against Shakti Ganesh Ltd. for recovery of outstanding dues. The applicants are not in receipt of the amount from Shakti Ganesh and as such they are not able to make payments to the informant. It is the submissions of the applicants that they are only entitled to certain percentage of commission of sale made to Shakti Ganesh Ltd.

6] Considering the above, the Investigating Officer to verify whether the Shakti Ganesh Ltd. has made payments to the applicants towards the cotton bales purchased from the informant through the applicants. On verification, Investigating Officer to give necessary instructions to the APP.

7] Considering the above submissions of parties, in the meanwhile, there shall be interim order in the following terms :-

A] Till the next date, in the event the applicants are arrested in connection with Crime No. 390/2024 dated 20.10.2024 registered with Dharangaon Police Station, Dharangaon, Tal. Dharangaon, Dist. Jalgaon for the offences punishable under sections 420 r/w. 34 of I.P.C., they shall be released on bail on furnishing PR bond of Rs.15,000/- each with one or two sureties in the like amount.

B] The applicants shall remain present before the investigating officer 17.12.2024 to 20.12.2024 and 24.12.2024 and 25.12.2024 between 10.30 a.m. and 01.00 p.m. and thereafter as and when required by the investigating officer.

C] The applicants shall co-operate with the investigation, including producing all documents in their possession in respect of alleged transaction i.e. bank account statements etc. as may be demanded by the investigating officer.

D] The applicants shall not influence the informant, witnesses or any person concerned with the case and he shall not tamper with the evidence.

8] Needless to say, violation of any of the aforesaid conditions may result in this order being cancelled.

9] List the matter on 6.1.2025.

10] This interim relief will be operative only till the next date.

(ARUN R. PEDNEKER, J.)

PRW