

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

ANTICIPATORY BAIL APPLICATION NO. 2341 OF 2024

Jay Ajay Katalkar ... Applicant
Versus
The State of Maharashtra ... Respondent

**WITH
INTERIM APPLICATION NO. 4153 OF 2024
IN
ANTICIPATORY BAIL APPLICATION NO. 2341 OF 2024**

Manisha Vilas Malgundkar ... Applicant
Versus
The State of Maharashtra ... Respondent

**WITH
ANTICIPATORY BAIL APPLICATION NO. 2346 OF 2024**

Raj Sanjay Katalkar ... Applicant
Versus
The State of Maharashtra ... Respondent

**WITH
INTERIM APPLICATION NO. 4236 OF 2024
IN
ANTICIPATORY BAIL APPLICATION NO. 2346 OF 2024**

Manisha Vilas Malgundkar ... Applicant
Versus
The State of Maharashtra ... Respondent

**WITH
ANTICIPATORY BAIL APPLICATION NO. 2345 OF 2024**

Dev Sanjay Katalkar ... Applicant
Versus
The State of Maharashtra ... Respondent

**WITH
INTERIM APPLICATION NO. 4235 OF 2024**

**IN
ANTICIPATORY BAIL APPLICATION NO. 2345 OF 2024**

Manisha Vilas Malgundkar	...	Applicant
Versus		
The State of Maharashtra	...	Respondent

**WITH
ANTICIPATORY BAIL APPLICATION NO. 2344 OF 2024**

Sanjay Anant Katalkar	...	Applicant
Versus		
The State of Maharashtra	...	Respondent

**WITH
INTERIM APPLICATION NO. 4234 OF 2024
IN
ANTICIPATORY BAIL APPLICATION NO. 2344 OF 2024**

Manisha Vilas Malgundkar	...	Applicant
Versus		
The State of Maharashtra	...	Respondent

Ms. Nikita Mandaniyan a/w Ms. Shagufa Patel and Dileep Satale
for all the Applicants in ABA.

Mr. Tanveer G. Khan, APP for Respondent-State.

Mr. Shreyansh S. Butala for Applicant in all Interim Applications.

Mr. Amol Gangadhar, PSI, Dapoli Police Station Dist. Ratnagiri.

**CORAM: MANISH PITALE, J.
DATE : 17th DECEMBER 2024**

P.C. :

. In these applications on 11th September 2024, this Court granted interim relief in favour of the applicants, subject to specific conditions, including a direction to remain present before the Investigating Officer with all documentary material in support

of the specific assertions made before this Court.

2. Subsequently, on 2nd December 2024, it was reported that some of the applicants had not appeared before the Investigating Officer and in that light, this Court directed the two applicants i.e. Jay Katalkar and Dev Katalkar to remain present before the Investigating Officer on 5th December 2024, along with all documentary material in support of their contentions, so as to cooperate with the investigation.

3. Today, the learned APP reports that the said applicants have also appeared before the Investigating Officer and that all the applicants have indeed cooperated with the investigation.

4. While granting interim relief in favour of the applicants, this Court observed as follows :

“4. The learned counsel for the applicants submitted that the main reason why they have been arraigned as accused persons is that according to the investigating authority, the amounts that were invested with the company of co-accused No.1 – Harsh, found its way to the accounts of the applicants, who are related to the said co-accused. Hence, apart from the allegation of inducement given by the applicants, it is alleged that the amounts invested by the innocent investors were diverted to the accounts of the applicants and the promised returns were never given.

5. The learned counsel for the applicants submitted that notices under section 35(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023, equivalent to section 41A(1) of the erstwhile Criminal Procedure Code, 1973, were issued to the applicants and all of them had responded. Certain documents were also placed before the investigating officer and therefore, the

applicants have all along co-operated with the investigation. It is further pointed out that during the pendency of anticipatory bail applications before the Sessions Court, interim protection was granted to the applicants, but eventually, their applications were dismissed. It is brought to the notice of this Court that even today, the applicants are ready with relevant documents, including their bank account statements, to support their assertion that the amounts transferred by the co-accused No.1-Harsh into their accounts were related to bona fide investments made by the applicants themselves over a period of time.

6. *The learned APP submitted that the applicants have indeed appeared before the investigating officer in response to the said notices, but subsequently, they did not appear. It is a matter of record that during the pendency of anticipatory bail applications before the Sessions Court, interim orders were operating in favour of the applicants.*

7. *The learned counsel for the applicants is ready with compilation of documents, including bank account statements of the applicants, to explain the nature of investment independently made by the applicants with the co-accused No.1-Harsh, in order to demonstrate that the amounts which came to them were nothing but return on investment made bona fide by the applicants with the said co-accused, who is already behind bars. This Court is of the opinion that it would be appropriate that such material and all relevant documentary material is placed before the investigating officer, while keeping the present applications pending. In that light, it would be appropriate that interim relief is granted in favour of the applicants, so that the investigating officer would be able to report to this Court as to the nature of co-operation given by the applicants during the course of investigation and then, the applications can be subsequently disposed of.”*

5. The aforesaid observations indicate that the applicants did have an explanation and that they were ready to produce the documentary material in support of such an explanation before

the Investigating Officer. Since the documentary material has been produced and the applicants have remained present before the Investigating Officer, this Court is of the opinion that the interim order can be confirmed and the applications can be allowed.

6. Accordingly, the interim order dated 11th September 2024 is confirmed and the applications are allowed, subject to the applicants continuing to cooperate with the investigation. They shall not influence the informant, witnesses or any person concerned with the case and they shall not tamper with the evidence.

7. In view of the disposal of the anticipatory bail applications, the interim applications also stand disposed of.

MANISH PITALE, J.