

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

ANTICIPATORY BAIL APPLICATION NO. 534 OF 2024

Pradip Sodha

.... Applicant

Versus

The State of Maharashtra

.... Respondent

YUGANDHARA
SHARAD
PATIL

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by
YUGANDHARA
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Mr. Vishwanath Patil a/w Nidhi Chauhan, Shantanu Katkar, for the applicant.

Ms. Rajshree V. Newton, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.

DATE : 26th FEBRUARY, 2024

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R. No.739 of 2023 registered at Mulund Police Station on 30/12/2023, under sections 409, 420 r/w 34 of the Indian Penal Code.

2. Heard Mr. Vishwanath Patil, learned counsel for the Applicant and Ms. Rajshree Newton, Learned APP for the Respondent-State.

3. The FIR is lodged by one Manoj Kotak. He has stated that he was elected as a Chairman of M/s Shri Karchi Kutchhi Lohana Narayan Sarvoria and Lakhpatri Mahajan Trust. It was registered in the year 1962. According to the first informant he was elected as a Chairman of the Trust on 28/11/2021. The Trust has four buildings consisting of 110 residential and 21 commercial premises. The trust is collecting minimum amount by way of rent and there are bank accounts in four different banks in Mulund. The allegations against the accused are that the main accused Vasant Majethia had become Chairman of the Trust in the year 2010. The entire proceeding through which he became Chairman was illegal. The change report showing him as a Chairman of the Trust is challenged. The main allegations are that Mr. Vasant Majethia had opened three bank accounts in Jankalyan Co-operative Bank, Shri Narayan Guru Co-operative Bank and Thane Bharat Co-operative Bank Ltd. In all these bank accounts joint account holders were Vasant Majethia, Usha Rach and the present Applicant. One of the allegations against the present Applicant is that, these bank accounts were opened without authority and they

were used to misappropriate the amount deposited in those bank accounts. There are various other allegations mentioned in the FIR. All these allegations are against Vasant Majethia. Those are about illegal disposal of the property and earning unlawful gain. However, all these allegations are specifically directed against Vasant Majethia. The other allegation in the FIR against the present Applicant is in respect of one transaction for transferring the lease of a shop to one Prakashchandra Ranka . The transaction was entered into in the year 2014 but the amount was deposited in the bank account in the year 2016. In that transaction, Vasant Majethia had nominated the present Applicant to complete the transaction. These are the two allegations against the present Applicant mentioned in the FIR.

4. Learned counsel for the Applicant submitted that the Applicant is not the main accused. There are no allegations that he derived any monetary benefit. He was only a joint account holder. Mr. Majethia had nominated the Applicant to complete the transaction of a shop in 2014. Even in that transaction, the

applicant himself has not got any monetary benefit.

5. Learned APP relied on the allegations made in the FIR. However, on specific query put by the Court, learned APP, on instructions of the Investigating Officer stated that the investigation has not revealed that the Applicant has received any monetary benefits. The bank accounts which are mentioned in the FIR were in the joint names of the Applicant, Majethia, Usha Rach show some withdrawals. However, the investigation does not reveal that the withdrawals were made by the present Applicant or some amount has gone in his personal account.

6. Considering these aspects and submissions, it appears that the Applicant has not played any role in the allegations mentioned in the FIR. He was a joint account holder of the bank accounts and in one of the transactions he was nominated by Vasant Majethia to complete the transaction. But even then there are no allegations of forgery, cheating or misappropriation as far as the present Applicant is concerned.

7. In this view of the matter, the Applicant's custodial interrogation is not necessary. It would be sufficient if he appears before the Investigating agency and co-operates with the investigation. Learned counsel for the Applicant submitted that the two accused namely Vasant Majethia and Vikram Lakhani are already arrested and as on today are released on bail. Considering these aspects, the following order is passed.

ORDER

- (i) In the event of his arrest in connection with C.R. No.739 of 2023 registered at Mulund Police Station, the Applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- (ii) The Applicant shall attend the concerned Police Station as and when called and shall co-operate with the investigation.
- (iii) The Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)