

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

ANTICIPATORY BAIL APPLICATION NO.687 OF 2024

Karanjit Singh Bachher & Ors. Applicants
versus
State of Maharashtra & Anr. Respondents

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- Mr. Kushar Mor a/w Tanvir Kazi i/b. Apoorv Srivastava, Advocate for Applicant.
- Smt. M. H. Mhatre, APP for the State/Respondent.
- Mr. Yashpal Thakur a/w Aniruth Purusothaman a/w Satchit Bogle a/w Pratik Pandey, Advocate for first informant.

CORAM : SARANG V. KOTWAL, J.
DATE : 14th MARCH, 2024

P.C. :

1. This is an application for transit anticipatory bail. The Applicants are seeking anticipatory bail in connection with C.R.No.11/2023 registered at DCP Tirupur Police Station, Tamilnadu, under section 420 of the Indian Penal Code. The FIR is registered on 21/12/2023. I am deciding this application in the light of the observations made by the Hon'ble Supreme Court in the case of Priya Indoria Vs. State of Karnataka, as reported in 2023 SCC Online SC 1484.

2. On the first occasion, when the matter was listed before this Court on 11/03/2024, I had issued notice to the concerned Public Prosecutor and the Investigating Officer, who were seized of the subject matter of the FIR and the notices were made returnable to today's date. Learned counsel for the Applicant has tendered affidavit of service. There are three such affidavits. They are taken on record. He submitted that the learned Public Prosecutor has received the notice. The Investigating Officer has sent the notice on WhatsApp and he was also sent a notice through courier, which he has received. Therefore, according to him services are completed.

3. Mr. Thakur appeared and made his submission on behalf of the Intervenor. Mr. Mor made submissions on behalf of the Applicant. Since it is clear that the Applicant will have to approach the competent Court having jurisdiction over the concerned police station at Tirupur, it would not be appropriate to discuss the merits of the matter. However, in brief the FIR mentions that the Applicant's company M/s. Agrialx Ventures Pvt. Ltd., through its employee Prathamesh had promised to

supply edible oil manufactured by M/s. Patanjali Food Limited. For that purpose, the Applicant's company had taken amount of Rs.4,66,50,000/-. But the oil was not supplied. There are allegations that the Applicant had no concern with M/s. Patanjali Food Limited. It was a false representation. On this count, the offence of cheating is made out.

4. Both the learned counsel made submissions on behalf of their respective clients. The gist of the arguments of Mr. Mor was that there was a huge sum due and payable from the informant and only after issuing of notices by them, the FIR is lodged. He submitted that the Applicant No.1 is an employee and other Applicants are the Directors of the said company.
5. On the other hand, Mr. Thakur stuck to the allegations made in the FIR. He further submitted that there was no apprehension of imminent arrest.
6. Though I have heard the submissions of both learned counsel, as stated earlier, it would not be appropriate to make

any comments or observations. It would be left open to the competent Court having jurisdiction over that police station. However, what I am considering today is the necessity to grant breathing time to the Applicant to approach the concerned competent Court; at the same time ensuring that their presence is secured. In this view of the matter, I am inclined to grant three weeks time to the Applicant to approach the competent Court on certain conditions. It is made clear that I have not made any observations on the merits of the matter.

7. Hence, the following order :

ORDER

- (i) In the event of their arrest in connection with C.R.No.11/2023, dated 21/12/2023, registered at DCP Tirupur Police Station, Tamilnadu, for a period of three weeks, the Applicants are directed to be released on bail on their furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) each, with one or two sureties each, in the like amount.

- (ii) The Applicants shall deposit their passports, if any, with the nearest police station.
- (iii) The police station shall retain their passports for a period of three weeks, subject to further orders from the competent Court at Tamilnadu.
- (iv) This order shall operate for a period of three weeks from today.
- (v) The application is disposed of.

(SARANG V. KOTWAL, J.)