

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

**ANTICIPATORY BAIL APPLICATION NO.3455 OF 2023
WITH
INTERIM APPLICATION NO.3 OF 2024**

Dhirendra Chandanprasad Shukla	...Applicant
vs.	
The State of Maharashtra	...Respondent

Mr. Abhay Khandeparkar, Senior Advocate a/w. Mr. Sujay Gawade, Ms. Sumedha Dhopate, Ms. Mudita Pawar, Ms. Manasi Sawant, Ms. Rekha Keni i/b.Shree & Co., for the Applicant
Mr. Tanveer Khan, APP, for the Respondent/State.
Mr. Yashwardhan Tiwari a/w. Ms. Deepa Panicker, for the Complainant/Applicant in IA.
Mr. Pravin Ghadge, API, Worli police station.

CORAM : N. J. JAMADAR, J.

DATE : APRIL 30, 2024

P.C.:

1. Heard the learned counsel for the parties.
2. By an order dated 11th December, 2023 this Court has granted interim bail to the applicant with a direction to cooperate with the investigation. This Court, inter alia, directed the applicant to appear before the investigating officer on 18th, 19th and 20th December, 2023 and thereafter as and when directed. The applicant did not appear before the investigating officer. Thereafter, on 20th March, 2024, upon a grievance being made by the learned APP, the applicant was directed to appear before the investigating officer on 26th, 27th and 28th March, 2024. The applicant did not appear before the investigating officer on those dates as well. Thus, by an order

dated 2nd April, 2024 the interim relief stood vacated.

3. Mr. Khandeparkar, learned senior counsel for the applicant submitted that the allegations in the FIR are inherently improbable. It was urged, the first informant, being a reputed builder, could not have parted with gold worth Rs. 2 Crores on the alleged representation of the applicant that property would be sold.

4. Suffice to note that these considerations weighed with the Court in granting interim protection. Thus, the Court recorded in the order dated 11th December, 2023 that the veracity of the allegations warranted investigation. In the application for intervention, the first informant has annexed copies of documents which indicate that the applicant had acknowledged the liability and has issued cheques by way of guarantee through one Mr. Harjinder Gill. Interrogation of the applicant was thus necessary to facilitate further investigation and unearth the true state of affairs.

5. The applicant was availed the opportunity twice to appear before the investigating officer and cooperate with the investigation. The applicant refused to cooperate with the investigation and appear before the investigating officer. Though the submission on behalf of the prosecution that the applicant did not appear despite service of notice issued under section 4A of the Code of Criminal Procedure, 1973 is contested on behalf of the

applicant, yet the fact remains that the applicant chose not appear before the investigating officer on the specified dates.

6. In this view of the matter, the Court does not consider it appropriate to exercise discretion in favour of the applicant.

Hence, the following order.

ORDER

- 1] The application stands rejected.
- 2] In view of above, Interim Application also stands disposed.

(N. J. JAMADAR, J.)