

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

ANTICIPATORY BAIL APPLICATION NO.1143 OF 2024

Rajeshkumar Talakshi Bheda & Anr. Applicant

versus

The State of Maharashtra & Anr. Respondents

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- Mr. Saurabh P. Mehta a/w Yash Ghadigaonkar a/w Rajesh Shah a/w Tanmay Gujarathi, Advocate for Applicant.
- Smt. M. R. Tidke, APP for the State/Respondent.
- Mr. Vimal Sanghavi a/w Piyush J. Shah, Advocate for Respondent No.2.

CORAM : SARANG V. KOTWAL, J.
DATE : 27th JUNE, 2024

P.C. :

1. Leave to amend to annex the typed copy of FIR.
2. The Applicant is seeking anticipatory bail in connection with C.R.No.255/2024, dated 03/04/2024, registered with V. P Road Police Station, Mumbai, under sections 341, 406, 420, 448 r/w 34 of the Indian Penal Code.
3. Heard Mr. Saurabh P. Mehta, learned counsel for the Applicant, learned counsel Mr. Vimal Sanghavi for the

Respondent No.2 and Smt. M. R. Tidke, learned APP for the State.

4. The FIR is lodged by one Piyush Shah. It is his case that his grandfather Nanji Khimji Shah had started business of food products in the shops at Bhuleshwar. Nanji had three sons Jayantilal, Talakshi and Dineshchandra. The first informant is the son of Jayantilal. The Applicants are the sons of Talakshi. Dineshchandra's daughter Asha was also mentioned in the FIR. According to the first informant, the first informant, Asha and Talakshi's one son Rajeshkumar had entered into a partnership deed. Accordingly, the first informant and Asha were to get certain portions of the profit. The allegations are that the Applicant Rajeshkumar unilaterally closed the business and inducted his own brother i.e. Applicant No.2 Chetan Bheda in those shops and therefore the offence is committed.

5. Learned counsel for the Applicant submitted that it is purely a civil dispute and the rights will have to be decided by the civil forum. Learned counsel for the original first informant

states that the matter is referred for arbitration in respect of the original partnership deed, but according to him criminal offences are made out. The argument that the rights of the parties can be decided in the arbitration proceedings will have to be considered in this application.

6. Learned counsel for the Applicant does not have the copy of partnership deed. Learned counsel for the informant states that the informant shall produce a copy of the partnership deed along with the copies of arbitration proceedings on the next date by way of affidavit-in-reply. Such affidavit-in-reply shall be filed within a period of four weeks from today with copy to the other side.

7. In the meantime, the Applicant can be protected by way of ad-interim relief.

8. Hence, the following order :

ORDER

(i) In the event of his arrest in connection with

C.R.No.255/2024, dated 03/04/2024, registered with V. P. Road Police Station, Mumbai, till the next date, 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 Respondent No.2 shall file affidavit-in-reply as directed with all the necessary documents.
- (iii) This order shall operate till 08/08/2024.
- (iv) Stand over to 08/08/2024.

(SARANG V. KOTWAL, J.)