



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1284 OF 2024**

Ashok Motilal Katariya
Satish Dhondulal Parakh ... Applicants
versus
State of Maharashtra ... Respondent

**WITH
ANTICIPATORY BAIL APPLICATION NO.1285 OF 2024**

Ashok Motilal Katariya
Satish Dhondulal Parakh ... Applicants
versus
State of Maharashtra ... Respondent

**WITH
ANTICIPATORY BAIL APPLICATION NO.1345 OF 2024**

Anup Subhashchandra Kataria ... Applicant
versus
State of Maharashtra ... Respondent

**WITH
ANTICIPATORY BAIL APPLICATION NO.1351 OF 2024**

Anup Subhashchandra Kataria ... Applicant
versus
State of Maharashtra ... Respondent

Mr. Amit Desai, Sr.Advocate with Mr. Kamlesh Ghumre, Mr. Ashwin R. Kapadnis, Ms. Sonali Jadhav, for Applicants in ABA 1284 of 2024.

Mr. Manoj Mohite, Sr. Advocate with Mr. Kamlesh Ghumre, Mr. Ashwin R. Kapadnis, Mr. Sanket Patil, for Applicants in ABA 1285 of 2024.

Mr. Kamlesh Ghumre, with Ms. Sonali Jadhav, Mr. Sanket Patil, for ABA 1345 of 2024 and 1351 of 2024.

Mr. S.R.Aagarkar, APP for State.

Mr. API Suyog S. Waykar, Upnagar Police Station, Nashik City present.

CORAM: N.J.JAMADAR, J.

DATE : 10 MAY 2024

P.C.

1. Heard the learned Counsel for the parties.
2. ABA Nos.1284 of 2024 and 1345 of 2024 are preferred seeking pre-arrest bail in connection with C.R.139 of 2024 registered with Upanagar Police Station for the offences punishable under Sections 406, 409 and 420 read with Section 34 of the Indian Penal Code and Sections 3 and 4 of the Maharashtra Protection of Interests of Depositors (in Financial Establishments) Act, 1999.
3. ABA Nos.1285 of 2024 and 1351 of 2024 are preferred seeking pre-arrest bail in connection with C.R.No.127 of 2024 registered with Upanagar Police Station for the offences punishable under Sections 406, 409 and 420 read with Section 34 of the Indian Penal Code and Sections 3 and 4 of the Maharashtra Protection of Interests of Depositors (in Financial Establishments) Act, 1999.
4. At the outset, the learned Counsel for the parties submit that Naresh Karda, the principal accused, with whom the first informant and the alleged victims had transactions primarily, has been granted interim protection by this Court by an order dated 6 May 2024. The applicants had no role in the alleged offences. In fact, there were disputes between the applicants, on the one part, and Naresh Karda, the principal accused, on the other part.
5. The learned APP fairly submitted that the interim protection has been granted to Naresh Karda, who is the principal accused.

6. By an order dated 6 May 2024, this Court has granted interim protection to Naresh Karda, ascribing reasons. It may, therefore, be expedient to protect the liberty of the applicants till the matters are heard after providing an opportunity of hearing to the first informant and the prosecution.

7. Hence, the following order :

ORDER

- (i) The applicant/s shall amend the applications so as to implead the first informant as party respondent to these applications.
- (ii) Necessary amendment be carried out within one week.
- (iii) Issue notice to the added respondents, returnable on 21 June 2024.
- (iv) Learned APP waive service on behalf of Respondent – State.
- (v) In addition to notice through court, applicants shall serve the respondent No.2 by private service and file affidavit of service.
- (vi) By way of Interim Relief, in the event of arrest in C.R. Nos.139 of 2024 and 127 of 2024 registered with Upanagar Police Station, Nashik, the applicants be released on bail on furnishing a P.R. bond in the sum of Rs.30,000/- each with one or two sureties in the like amount.
- (vii) The applicants shall cooperate with the investigation and attend Upanagar Police Station, Nashik on 14/5/2024, 15/5/2024 and 16/5/2024 between 10 am to 1 pm and, thereafter, as and when directed.

(viii) The applicants shall not tamper with the prosecution evidence and give threat or inducement to first informant, any of the prosecution witnesses or any person acquainted with the facts of the case.

(ix) To be listed along with ABA No.1234 of 2024.

(N.J.JAMADAR, J.)