

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

ANTICIPATORY BAIL APPLICATION NO. 1292 OF 2024

Sanjeev Ramesh Raje ... Applicant
Versus
The State of Maharashtra ... Respondent

**WITH
ANTICIPATORY BAIL APPLICATION NO. 1294 OF 2024**

Prachi Ravindra Jayawant ... Applicant
Versus
The State of Maharashtra ... Respondent

Mr. Kartik Garg a/w Ms. A. Shell for the Applicants.
Mr. Babu V. Holambe-Patil, APP for Respondent-State in ABA/
1292/2024.
Mr. Kiran C. Shinde, APP for Respondent-State in ABA/1294/
2024.
Mr. Sachin Ghate, API, EOW, Pune, Wakad.

**CORAM: MANISH PITALE, J.
DATE : 17th OCTOBER 2024**

P.C. :

. Heard learned counsel for the applicants and learned APP
for the respondent-State.

2. In these applications, on 8th May 2024, this Court (Coram:
Sarang V. Kotwal, J.) granted interim order in favour of the
applicants after taking note of the submissions made on their
behalf in paragraph 6 of the said order. It was observed that the
applicants could be granted opportunity to explain their stand,

during the course of investigation. The interim order has continued to operate from time to time.

3. Today, when the applications are called out for hearing, the learned APP submits that the applicants abided by the specific direction of this Court in the interim order, to appear before the concerned Police Station to cooperate with the investigation. However, it was submitted that both the applicants can be said to be beneficiaries, because substantial amounts were transferred from the account of company, of which they are Directors, into their respective accounts.

4. The learned counsel for the applicants submits that the grievance of the informant, who is one of the Directors of a company called Tomsa Distill India Pvt. Ltd., is essentially a grievance pertaining to a commercial dispute between the said company and the company of which the applicants are Directors. It is further submitted that since the applicants have cooperated with the investigation and the co-accused person, who can be said to be the main accused, has been released on bail, this Court may consider allowing these applications.

5. A perusal of the material on record *prima facie* indicates that nature of dispute raised by the informant is in the context of the work awarded to the company, of which the applicants are Directors, as a subcontractor. The dispute appears to be that while the company of which the applicants are directors, claims that it

did complete the work to the extent of the amount that was transferred by the company of which the applicants are Directors, the statement, leading to registration of the FIR, claims that there were over invoices and actual work on the field was much less than the amount that was charged by the said company of the applicants.

6. There is some substance in the contention raised on behalf of the applicants that the nature of dispute has its roots in a commercial dispute between the parties. Even if some amount found their way to the accounts of the applicants, they being Directors of the company, transfer of such amounts in itself may not be treated as an indication of criminality on their part.

7. This Court is of the opinion that in such circumstances, when the applicants have abided by the directions issued by this Court, while granting interim relief, it would be in the interest of justice, that the applications are allowed, subject to the applicants continuing to cooperate with the Investigation Authority.

8. It is to be noted that the applicant in Anticipatory Bail Application No. 1294 of 2024 is a woman, who deserves special consideration as per the provisions of law. In the interim order itself, it was noted that as against the applicant in Anticipatory Bail Application No. 1292 of 2024, even in the statement leading to registration of the FIR, there does not appear to be any specific allegation.

9. In view of the above, the interim order dated 8th May 2024 passed in these applications, is confirmed and the applications are allowed, subject to the applicants continuing to cooperate with the investigation. They shall not tamper with the evidence of the prosecution in any manner. They shall not influence the informant, witnesses or any other person concerned with the case.

MANISH PITALE, J.