

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

ANTICIPATORY BAIL APPLICATION NO. 2296 OF 2024

Urmish Manharilal Udani

...Applicant

Versus

The State of Maharashtra

...Respondent

- Mr. Girish Kulkarni, Senior Counsel a/w Mr. Akhilesh Dubey, Mr. S. N. Raj, Mr. Vagish Mishra, Mr. Amit Dubey, Mr. Uttam Dubey, Mr. Abhishek Karnik, Mr. Alex D'Souza and Mr. Sahil Uphadhyay i/b Law Counsellors, for Applicant.
- Mr. Rutuja A. Ambekar, APP for Respondent.
- Mr. Dharampal Bansode, ACP, Anti Human Traffic Unit, Navi Mumbai.

CORAM : MANISH PITALE, J.

DATE : 20th August, 2024.

P. C. :

1. Heard, Mr. Girish Kulkarni, learned Senior Counsel appearing for the applicant and Ms. Rutuja Ambekar, learned APP appearing for the respondent – State.

2. In this application on 14.08.2024, this Court (*Coram : Anil S. Kilar, J.*) directed the application to be listed before the appropriate Bench having assignment of anticipatory bail applications, with a further direction that for a period of one week from the said order, the respondents would not arrest the applicant.

3. The learned senior counsel appearing for the applicant submits that the present case has a chequered history where the applicant is being

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repeatedly unnecessarily harassed due to threat of arrest, while there is not even an iota of material to show involvement of the applicant in the alleged offence pertaining to First Information No.32 of 2012, registered on 11.06.2012, at Police Station Nhava-Sheva. The learned senior counsel appearing for the applicant has narrated the chronology of events and he submits that this Court may consider allowing the present application.

4. The learned APP submits that an affidavit will have to be placed on record.

5. This Court finds that in the present case, the FIR was registered as far back as on 11.06.2012 and that the trial concerning the said FIR is now at the stage where two witnesses are already examined.

6. In the interregnum when the charge-sheet was filed, it became clear that the applicant was not being arraigned as an accused and he was not to be proceeded against in the trial.

7. But, thereafter certain developments took place, which gave rise to an apprehension for the applicant to approach the Court seeking anticipatory bail. Upon the Sessions Court rejecting the application, the applicant was constrained to approach this Court by filing Anticipatory Bail Application No.1082 of 2023. In the meanwhile, on the complaint of the

applicant himself, FIR dated 06.07.2024 bearing No.0115 of 2024 came to be registered at Nhava-Sheva Police Station, wherein the API concerned was arraigned as an accused for having misplaced crucial documents pertaining to the present case. In this backdrop, the applicant found that there was no longer apprehension about his arrest and in that light he withdrew the aforementioned earlier anticipatory bail application.

8. But, according to the applicant, at the instance of his business rivals, the action against the applicant was sought to be revived when further investigation report was filed without seeking leave of the Competent Court. This has given rise to a fresh apprehension in the mind of the applicant about being arrested.

9. The chronology of events in the present case *prima facie* indicates repeated attempts made to create a situation where the applicant may be arrested in connection with the aforementioned FIR registered as far back as on 11.06.2012. Considering the material placed on record with the present application, this Court is convinced that a *prima facie* case is made out for granting interim protection, while the learned APP can place on record reply affidavit.

10. In the light of the above, the following interim order is passed :

(A) Till the next date of listing, in the event the applicant is

arrested in connection with FIR No.32 of 2012, registered on 11.06.2012 at Police Station Nhava-Sheva, he shall be released on bail, on furnishing PR Bond of ₹ 25,000/- and one or two sureties in the like amount.

(B) The applicant shall not influence the informant, witnesses or any other persons concerned with the case. The applicant shall not tamper with the evidence in any manner.

11. Needless to say, violation of any of the aforesaid conditions may result in this order being cancelled.

12. The learned APP may place on record reply affidavit within three weeks from today.

13. List the application for further consideration on **23rd September, 2024, "High on Board."**

14. Leave is granted to the applicant to place on record copy of the charge-sheet.

(MANISH PITALE, J.)