

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

ANTICIPATORY BAIL APPLICATION NO. 2513 OF 2024

1. Madhav Mallikarjun Manore
2. Vishvanath Madhav Manore
3. Somnath Madhav Manore
4. Nagnath Iravant Hudge ... Applicants
Versus
The State of Maharashtra ... Respondent

**WITH
INTERIM APPLICATION NO. 3912 OF 2024
IN
ANTICIPATORY BAIL APPLICATION NO. 2513 OF 2024**

Gajanan Vithalrao Karne ... Applicant
Versus
The State of Maharashtra & Ors. ... Respondents

Mr. Yogen Kakade a/w Mr. Ganesh Gupta for the Applicants.
Ms. Rutuja A. Ambekar, APP for Respondent-State.
Mr. Jitendra P. Gorane a/w Ms. Vidya Gorane, Mr. Abhijit Devkhile and Mr. Aditya Ranawade for the Applicant in IA/3912/2024.

**CORAM: MANISH PITALE, J.
DATE : 4th OCTOBER 2024**

P.C. :

. Heard learned counsel for the applicants and learned APP for the respondent-State, as also the learned counsel having instructions to appear on behalf of the first informant.

2. The applicants are apprehending arrest in connection with

FIR No. 0780 of 2024 dated 5th July 2024 registered at Wakad Police Station, Dist. Pimpri-Chinchwad, for offences under Sections 406 and 420 read with 34 of the Indian Penal Code, 1860 (IPC).

3. The informant in the present case has given a detailed statement, which led to registration of the FIR. The informant alleges that he has been duped and cheated by the applicants, who are partners of a partnership firm, in which the informant himself has been a partner.

4. According to the informant, a number of transactions were executed by the applicants, purportedly on behalf of the partnership firm, keeping the informant in the dark and causing huge losses to him. There are also allegations of certain documents having been forged in the process of the aforesaid transactions.

5. The learned counsel for the applicants submits that the applicants themselves have a number of grievances against the informant and that after the FIR was registered, a civil suit bearing Special Civil Suit No. 1406 of 2024, has been filed by the applicants before the Competent Court at Pune, for dissolution of the partnership firm and for settlement of accounts. It is submitted that the dispute is essentially of a civil nature, which is unnecessarily being given the colour of criminality.

6. On the other hand, the learned APP submits that there is

enough material to show a *prima facie* case against the applicants as regards the forgery of certain documents, which were then used for executing further registered documents and that the grievance of the informant is clearly made out in the statement that led to registration of the FIR. Reference is made to a resolution dated 7th August 2022, which allegedly bears the forged signature of the informant and it is also alleged that the subsequent registered sale deed executed on the strength of the aforesaid resolution also wrongly shows the informant as a witness, as his signature therein is also alleged to be forged.

7. The learned counsel for the informant supported the submissions made by the learned APP and he also gave a compilation of documents to contend that the series of documents and transactions executed by the applicants, purportedly on behalf of the partnership firm, were all aimed at cheating the informant, who himself was a partner in the said partnership firm.

8. This Court is of the opinion that considering the detailed allegations made in the statement leading to registration of the FIR, which necessarily concern documentary material, it would be appropriate that the applicants join the investigation and produce all the documents in their possession before the Investigating Officer, so that effective investigation can be carried out.

9. The nature of allegations and counter allegations made by the applicants and informant against each other *prima facie*

indicate that this can be said to be a dispute concerning execution of documents, some of the documents being registered documents, which can be available from the Registering Authority, as also from the parties before the Court.

10. There is some substance in the contention raised on behalf of the applicants that a dispute, which can be essentially categorized as a civil dispute between partners of a partnership firm, is being given the colour of criminality by the informant. Although, the aforesaid suit for dissolution of the partnership firm and settlement of accounts has been filed after registration of the FIR, it cannot be ignored that the issues raised therein do impinge upon the questions that would arise, during the course of the investigation in the present case.

11. Since the applicants have undertaken to cooperate with the investigation, this Court is of the opinion that a case for granting interim relief is made out. The application can be kept pending and interim relief can be granted.

12. In view of the above, there shall be interim order in the following terms :

- (a) Till the next date, in the event the applicants are arrested in connection with FIR No.0780 of 2024 dated 5th July 2024 registered at Wakad Police Station, Dist. Pimpri-Chinchwad, they shall be released on bail on furnishing PR Bond of

Rs.50,000/- each and one or two sureties in the like amount.

- (b) The applicants shall remain present before the Investigating Officer on 7th and 8th October 2024 between 10:00 a.m. and 12:00 noon and thereafter, as and when called by the Investigating Officer.
- (c) The applicants shall cooperate with the investigation, including producing all documents in their possession, as may be demanded by the Investigating Officer.
- (d) The applicants shall not tamper with the evidence of the prosecution in any manner. They shall not influence the informant, witnesses and other persons concerned with the case.

13. In the event, the applicants violate any of the aforesaid conditions, the order passed today would be recalled.

14. List this application for further consideration on 14th November 2024 (High on Board).

MANISH PITALE, J.