

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 2776 OF 2024

Ajay Pramod Shrivastav

...Applicant

Versus

The State of Maharashtra

...Respondent

WITH
INTERIM APPLICATION (STAMP) NO.21249 OF 2024
IN
ANTICIPATORY BAIL APPLICATION NO. 2776 OF 2024

- Mr. Satyavrat Joshi (Through V.C.) a/w Ms. Shivani Kondekar, for Applicant.
- Mr. Megha S. Bajoria, APP for Respondent.
- Mr. Chetan Damree, for Applicant in IAST/21249/2024.
- Mr. S.Y. Patil, API, Mumbai Naka Police Station, Nashik.

CORAM: MANISH PITALE, J.

DATE : 14th OCTOBER, 2024.

P. C. :

1. Heard learned counsel for the applicant and the learned APP for the respondent – State, as also the learned counsel appearing for the first informant (Intervenor), who has filed an application for intervention.
2. On 25.09.2024, this Court passed an interim order in Anticipatory Bail Application No.2591 of 2024, in favour of the co-accused person and his application is now listed for further consideration on 24.10.2024, to be included in the supplementary list.
3. In the said order, this Court recorded in paragraph No.9 as

follows :

“9. *The documents on record indeed show that disputes between the aforesaid two parties are pending, including a number of proceedings before either the Civil Court or competent authorities. Prima facie, it appears that both the parties are raising rival claims to properties in and around Nashik. Such pending proceedings further indicate that the nature of dispute could be said to be of civil nature and it will have to be examined as to whether criminality can be foisted on the applicant in the present case. It is also evident from the nature of allegations that the evidence would be documentary. In fact, in the order dated 4th September 2024, whereby the Sessions Court granted relief of anticipatory bail to the co-accused licensee, it is recorded that most of the documents pertaining to the investigation are in the custody of the concerned authority. Nothing prevents the Investigating Officer to proceed to take possession of such documents, in order to undertake effective investigation. Hence, interim order deserves to be granted in the present application.*”

4. There is substance in the contention raised on behalf of the applicant in this application that the above quoted reasons should inure to the benefit of the applicant also while pressing for interim relief.

5. Hence, this Court is inclined to grant interim relief pending

consideration of his application.

6. In view of the above, the following interim order is passed.

- (A) Till the next date, in the event the applicant is arrested in connection with FIR No.0220 of 2024, dated 26th July, 2024, registered at Mumbai Naka Police Station, District Nashik, he shall be released on bail on furnishing PR Bond of ₹ 50,000/- and one or two sureties in the like amount.
- (B) The applicant shall remain present before the Investigating Officer on 21st October, 2024 and 22nd October, 2024, between 10:00 a.m. and 12:00 noon and thereafter, as and when called by the Investigating Officer. The applicant shall cooperate with the investigation.
- (C) The applicant shall not tamper with the evidence of the prosecution in any manner. He shall not influence the informant, witnesses and other persons concerned with the case.

7. In the event, the applicant violates any of the aforesaid conditions, the order passed today would be recalled.

8. Needless to say, observations made in the present order are limited to considering the question of granting interim relief in the present

application.

9. List this application for further consideration on **24th October, 2024**, to be included in the “Supplementary List.” Tagged with Anticipatory Bail Application No.2591 of 2024

(MANISH PITALE, J.)