

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.3348 OF 2024

1. Priyanka Manish Shah
2. Shantidevi Ghevarchand Shah
3. Mahavir Dayachand Shah
4. Manjudevi Mahavir Shah
5. Vipul Mahavir Shah
6. Dixita Mahavir Shah
7. Amar Sahebrao Pawar
8. Manishkumar Babulal Tukliya ... Applicants
Vs.
State of Maharashtra ... Respondent

AND

ANTICIPATORY BAIL APPLICATION NO.3350 OF 2024

1. Manoj Ghevarchand Shaha
2. Raniben Manoj Shaha
3. Ronak Mahavir Shaha ... Applicants
Vs.
State of Maharashtra ... Respondent

Mr. Ranjeet M. Pawar a/w. Mr. Ankit R. Upadhyay for Applicants.
Mr. Mayur S. Sonavane, APP for Respondent-State in ABA/3348/2024.
Mr. Prasanna P. Malshe, APP for Respondent-State in ABA/3350/2024.
Mr. Amar Kale a/w. Mr. Krishna Tarde i/b. Mr. Prashant S. Hagare for Original Complainant.
Mr. H. H. Wagaj, PSI, Yavat Police Station.

CORAM : MANISH PITALE, J.
DATE : DECEMBER 12, 2024

P.C. :

. Heard Mr. Pawar, learned counsel for the applicants, Mr. Sonavane, learned APP for the respondent-State and Mr. Kale, learned counsel having instructions to appear on behalf of the first informant.

2. There are two applications for consideration before this Court, which arise from the same FIR. The applicants are apprehending arrest in connection with FIR No.0944 of 2024 dated 24.09.2024 registered with Yavat Police Station, District - Pune Rural, for offences under Sections 409, 420, 467, 468, 471 and 120-B of the Indian Penal Code, 1860 (IPC).

3. The informant has alleged that the accused persons have all connived to dupe him during the course of business. It is submitted that the informant had been regularly supplying jaggery to the entities owned by the accused persons. While some payments, pertaining to supply of such jaggery, were made from time to time, huge amounts were due and payable, which the accused failed to pay. When the informant went with his brother to Gujarat where the accused are based, certain forged documents were shown to the informant by the accused to claim that they had huge government contracts from the State of Gujarat in the context of which, payments were to be received and that the dues payable to the informant would be made as soon as such amounts were received. It later came to light that the documents were forged and the accused had cheated the informant.

4. At the outset, the learned counsel for the applicants invites attention of this Court to the order dated 03.12.2024 passed in Anticipatory Bail Application Nos.3210 of 2024 and 3211 of 2024, whereby two co-accused persons were granted anticipatory bail by this Court. It is submitted that in the said order, this Court has made certain observations that inure to the benefit of the applicants in these two applications.

5. It is submitted that the applicants in Anticipatory Bail Application No.3348 of 2024 are the relatives and family members of accused Manoj Ghevarchand Shaha and the informant has roped in the entire family of

the said accused person in the present FIR. It is submitted that general and omnibus allegations are made against the said applicants and for the reasons recorded by this Court in the aforesaid order dated 03.12.2024, granting anticipatory bail to the co-accused therein, this Court may consider allowing the aforementioned application.

6. As regards Anticipatory Bail Application No.3350 of 2024, it is submitted that the three applicants therein are proprietors of three proprietorships to whom the informant over a period of time had supplied jaggery. The account statements of the applicants are placed on record with the said application, to contend that over a period of time, huge amounts were paid for supply of jaggery. It was only when dispute arose in May 2024, that the informant triggered the criminal process, only with a view to give colour of criminality to the dispute, which is essentially of civil / commercial nature. It is submitted that the said applicants are ready to co-operate with the investigation and to remain present before the investigating officer with all necessary details and in that light, this Court may consider allowing the said application.

7. On the other hand, the learned APP and the learned counsel having instructions to appear on behalf of the first informant have vehemently opposed the said contentions. It is submitted that the presence of all the applicants has been mentioned by the informant with specific allegations. It is alleged that serious allegations pertaining to forgery and fabrication are also made against all the applicants and therefore, this Court may not show any indulgence to the applicants.

8. It is submitted that the informant has been duped of a huge amount to the tune of about Rs.1.09 crores and hence, the applications may be dismissed.

9. This Court has considered the rival submissions in the light of the

material placed on record, particularly the order dated 03.12.2024, whereby this Court granted anticipatory bail to the two co-accused persons. A perusal of the said order would show that as regards accused - Manish Ghevarchand Shah, this Court found that he is a proprietor of Arihant Agro Sales, while the allegations regarding supply of jaggery appeared to be pertaining to entities other than the said proprietorship. As regards accused - Sanjushing Puransingh Chundavat @ Sanjay Singh @ Sanju Banna, in the said order, this Court found that he was merely an employee of the said Arihant Agro Sales and therefore, the relief of anticipatory bail could be granted to the said applicant also. An observation was also made in the said order with regard to the said co-accused persons that the allegations against them appeared to be of general and omnibus nature and therefore, relief could be granted.

10. In this backdrop, when Anticipatory Bail Application No.3348 of 2024 is taken up for consideration, this Court finds that the observations made in the order dated 03.12.2024, granting relief to the co-accused persons, do inure to the benefit of the applicants in the said application also. In the said application, this Court finds that family members (including women) of the co-accused - Manoj Ghevarchand Shaha have approached this Court. One of the applicants i.e. applicant No.2 is a senior citizen and a woman. There is substance in the contention raised on behalf of the applicants in the said application that general and omnibus allegations have been made against all the family members of the said co-accused - Manoj Ghevarchand Shaha, and in that light, so long as the said applicants are ready to co-operate with the investigation, this Court can allow the application. Even if the names of these applicants are mentioned in the statement of the informant, this Court finds that their presence is merely stated without any specific allegations about their active involvement in the business of procuring jaggery from the informant. Applicant Nos.1, 2, 4 and 6 in the said application are

women and this is an additional reason why this Court is inclined to grant relief in their favour. Appropriate conditions can be imposed on them while granting such relief.

11. As regards Anticipatory Bail Application No.3350 of 2024, it is found that even in the order dated 03.12.2024, granting relief to co-accused persons, in paragraph 8, this Court had observed that the thrust of the grievance of the informant appeared to be against Om Sai Trading Company with which the applicant - Manoj Ghevarchand Shaha is concerned. It is found that the other applicants in the said application are the proprietors of Krishna Agro Foods with whom the applicant Nos.1 and 2 are concerned and the applicant No.3 is the proprietor of Adinath Agro Sales. The said applicants are not seriously disputing the fact that the informant had supplied jaggery to the aforesaid three entities, but it is submitted that amounts were paid to the informant by all the three entities from time to time for supply of such jaggery. For the convenience of this Court, the learned counsel for the applicants has tendered a chart showing the details of such money transfers in favour of the informant from 2019 onwards for supply of jaggery. This is with reference to the account statements placed on record along with the applications. It is stated that total amount of about Rs.7.24 crores was paid to the informant from 2019 to March 2024 for supply of jaggery. On this basis, it is claimed that since a dispute arose some time in May 2024 between the informant and the applicants that the aforesaid FIR had been registered with the wild allegations against the accused persons.

12. This Court is of the opinion that since the informant and the said applicants connected with the aforesaid entities appear to have had business relations for a considerable period of time and *prima facie* supporting material for payments having been made to the informant,

has been placed on record with the application, it would be appropriate that the said applicants are given an opportunity to appear before the investigating officer and to place entire material on record in order to co-operate with the investigation. In the light of the material placed on record, it can be said that the genesis of the dispute between the parties can be said to be a commercial dispute, although serious allegations of forgery and fabrication have also been made and the aforesaid offences are registered against the accused persons. The aforesaid application can be kept pending with interim relief being granted till the next date, so as to give an opportunity to the said applicants to co-operate with the investigation.

13. In view of the above, Anticipatory Bail Application No.3348 of 2024 is allowed in the following terms:-

- A. In the event the applicants are arrested in connection with FIR No.0944 of 2024 dated 24.09.2024 registered with Yavat Police Station, District - Pune Rural, they shall be released on bail on furnishing PR Bond of Rs.50,000/- each with one or two sureties in the like amount to the satisfaction of the trial Court;
- B. Applicant No.3 - Mahavir Dayachand Shah, applicant No.5 - Vipul Mahavir Shah, applicant No.7 - Amar Sahebrao Pawar and applicant No.8 - Manishkumar Babulal Tukliya in Anticipatory Bail Application No.3348 of 2024 shall remain present before the investigating officer on 16.12.2024 between 10:00 a.m. and 12 noon and thereafter, as and when called by the investigating officer. They shall co-operate with the investigation;
- C. The applicants shall not influence the informant, witnesses or any person concerned with the case and they shall not

tamper with the evidence.

14. In Anticipatory Bail Application No.3350 of 2024, there shall be interim relief in the following terms:-

- A. Till the next date, in the event the applicants, namely, Manoj Ghevarchand Shaha, Raniben Manoj Shaha and Ronak Mahavir Shaha are arrested in connection with FIR No.0944 of 2024 dated 24.09.2024 registered with Yavat Police Station, District - Pune Rural, they shall be released on bail on furnishing PR Bond of Rs.50,000/- each with one or two sureties in the like amount to the satisfaction of the trial Court;
- B. The said applicants shall remain present before the investigating officer on 16.12.2024 between 10:00 a.m. and 12 noon and thereafter, as and when called by the investigating officer;
- C. The applicants shall produce the documents in their possession, as may be demanded by the investigating officer and they shall fully co-operate with the investigation;
- D. The applicants shall not influence the informant, witnesses or any person concerned with the case and they shall not tamper with the evidence.

15. Needless to say, violation of any of the aforesaid conditions would make the applicants liable to face proceedings for cancellation of anticipatory bail.

16. It is also clarified that the observations made in this order are limited to the question of grant of anticipatory bail to the applicants in the present applications and that the trial Court shall proceed further,

without being influenced by the observations made in this order.

17. Anticipatory Bail Application No.3348 of 2024 stands disposed of accordingly.

18. List Anticipatory Bail Application No.3350 of 2024 for further consideration on 20.01.2025, High on Board.

(MANISH PITALE, J.)

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