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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 1878 OF 2024

Subodh Kumar Goel

..... Applicant

VERSUS

State of Maharashtra & Anr.

..... Respondents

Dr.Abhinav Chandrachud a/w. Mr. Devashish Godbole, Mr. Prasad Nagargoje for the Applicant.

Mr. Ajay S. Patil, A.P.P. for the State.

Mr.Amresh Sharma a/w. Adv.Tulsi Lokhande for the Intervener.

Mr.Gajanan Bharti, A.P.I., Dindoshi Police Station present.

CORAM : RAJESH S. PATIL, J.

DATE : 12th MARCH,2025

P.C. :-

This application is filed for pre-arrest bail under Section 438 of the Code of Criminal Procedure, in connection with Crime No. 62 of 2023 dated 21st January, 2023 registered with Dindoshi Police Station for the offences punishable under Sections 406, 420, 465, 467, 468, 471, 474, 120-B of the Indian Penal Code, 1860 read with Sections 66C and 66D of the Information Technology Act, 2008.

2. The role of the present applicant has been stated in the complaint which is attached to the FIR is explicitly.

3. It is submitted on behalf of the applicant that the applicant is a chartered accountant of the family members of the first informant and the other accused persons. Pursuant to the directions given by the directors of the Company, he has to perform his job.

4. As far as the present FIR is concerned, the same has been lodged in the year 2023 wherein the present applicant has been shown as an accused. The other accused persons are the family members of the first informant. It has been stated in the FIR that in the year 2016, a forged signature on the resignation letter was uploaded. Therefore, there were proceedings before the NCLT and thereafter in the year 2023, after a period of seven years, the present FIR has been lodged.

5. It is further submitted that as far as the order of NCLT is concerned, it states that the present applicant is not necessary party in the NCLT proceedings. Similarly, a writ petition filed by the present

applicant for quashing the criminal proceedings, the Division Bench of this Court by its order dated 27th September, 2023 has stated that the investigation of the crime should continue. However, the investigating agency shall not file a charge-sheet without the leave of this Court. He submits that in such a situation, there are no specific allegations which make out any kind of role in the crime as against the present applicant, the custody of the present applicant is not at all necessary.

6. Mr.Sharma, learned counsel appearing for the first informant submits that if one looks into the Forms DIR 11 and DIR 12 which are attached to the present anticipatory bail application, it can be seen that the said forms have been uploaded based on the digital signature of the first informant without knowledge and permission of the first informant. Therefore, according to him the investigation will be necessary as to how without consent of the first informant, his so called resignation letter was uploaded. He submits that therefore the physical custody of the present applicant is necessary.

7. The learned A.P.P submits that this Court by its order dated 9th July, 2024 has protected the present applicant pursuant to which the

present applicant twice visited the Investigation officer and has co-operated. Therefore, the custody of the present applicant is not at all necessary.

8. Taking into consideration the arguments made by the parties and specifically the learned A.P.P., the fact remains that the present applicant is a Chartered Accountant who was appointed by the family members of the first informant and other accused persons. He has uploaded Forms of DIR 11 and DIR 12, on instructions of the other family members of the first informant which has been narrated by the first informant in his complaint. The act of uploading resignation form from the company of the first informant is in the year 2016. The complaint states that in the year 2016 itself the first informant became aware about his resignation letter being fraudulently prepared and uploaded on the website of the Ministry of Company Affairs (MCA). The present FIR has been lodged only in the year 2023. There is huge delay of around seven years in lodging the present FIR. The Division Bench of this Court by its order dated 27th September 2023 in a criminal writ petition filed by the applicant for quashing of the present

FIR has passed an order thereby allowing the investigation to continue but the charge-sheet to be filed only with leave of the Court.

9. In this situation, I am of the view that *prima facie* a case is made out that the present anticipatory bail application should allow. Hence, the following order :-

ORDER

(a) **The anticipatory bail application is allowed.**

(b) In the event of arrest in connection with Crime No. 62 of 2023 dated 21st January, 2023 registered with Dindoshi Police Station for the offences punishable under Sections 406, 420, 465, 467, 468, 471, 474, 120-B of the Indian Penal Code, 1860 read with Sections 66C and 66D of the Information Technology Act, 2008, the applicant shall be released on bail, on furnishing P.R. bonds to the extent of Rs.30,000/- with two or more sureties of the like amount.

(c) The applicant shall co-operate with the investigation and attend the Investigating Officer of the concerned Police Station, as and when called.

(d) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him from disclosing the facts to Court or any Police Officer and shall not tamper with evidence.

(e) The applicant shall furnish details of his residential addresses, contact numbers and e-mail addresses to the Investigating Officer.

10. **The anticipatory bail application is disposed of.**

[RAJESH S. PATIL, J.]