

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 2296 OF 2024
WITH
INTERIM APPLICATION NO. 4843 OF 2024
IN
ANTICIPATORY BAIL APPLICATION NO. 2296 OF 2024

Urmish Manharilal Udani

...Applicant

Versus

The State of Maharashtra

...Respondent

- Mr. Akhilesh Dubey a/w Mr. Vagish Mishra, Mr. Amit Dubey Mr. Uttam Dubey, Mr. Shubham Shrma an Mr. Alex D'Souza i/b Law Counsellors, for Applicant.
- Dr. Ashvini A. Takalkar, APP for Respondent.
- Mr. Subodh Desai, Senior Counsel a/w Mr. Mohd. Shine, Mr. Omprakash Jha and Ms. Radha Naik i/b the Law Point, for the Intervener in IA/4843/2024.

CORAM : MANISH PITALE, J.

DATE : 31st JANUARY, 2025.

P. C. :

1. Heard learned counsel for the applicant, learned APP for respondent – State and the learned senior counsel having instructions to appear on behalf of a party, who claims to have interest in the matter through the first informant.

2. On 20th August, 2024, this Court granted interim relief in favour of the applicant. While granting interim relief, this Court specifically took note of the fact that the FIR in the present case was registered as far back as on

11th June, 2012 bearing FIR No.32 of 2012, registered at Police Station Nhava-Sheva. This Court also took note of a contention raised on behalf of the applicant that it is at the behest of the business rivals that investigation in connection with the aforesaid FIR is being revived at different points in time. It is also brought to the notice of this Court that on one occasion B summary was filed and thereafter the investigation was revived. With passage of time an A summary was also filed and yet, the investigation was again continued for some reason or the other.

3. The allegations made in the present case indicate that the investigation necessarily concerns documentary material. It is to be noted that in the order dated 13th November, 2024, as a grievance was raised about the fact that the applicant was not allegedly cooperating and appearing before the Investigating Officer, this Court specifically directed the applicant to appear before the Investigating Officer on 22nd November, 2024, and thereafter as and when called.

4. Today, the learned counsel for the applicant has specifically submitted that the applicant not only abided by the aforesaid direction but the he appeared before the Investigating Officer on at least 8 occasions.

5. The learned APP concedes to the fact that the applicant has indeed appeared before the Investigating Officer as and when called. It

appears that the applicant has produced documents as demanded by the Investigating Officer.

6. This Court fails to understand the insistence on physical custody of the applicant in the facts and circumstances of the present case. A *prima facie* impression is gathered that the grievance of the first informant in the present case is sought to be given the colour of criminality and in that backdrop the Investigating Authority is insisting upon reviving the investigation time and again and calling upon the applicant to cooperate. This Court is convinced that so long as the applicant cooperates with the investigation, the present application deserves to be allowed.

7. In view of the above, the interim order dated 20th August, 2024, is made absolute and the application is allowed, subject to the applicant continuing to cooperate with the investigation. He shall not tamper with the evidence and he shall not influence the first informant, witnesses or any other persons concerned with the case.

8. The interim application is also disposed of.

(MANISH PITALE, J.)