

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
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. Avinash A. Naik, APP for Respondent-State.

Mr. Prashant S. Hagare a/w. Mr. Krishna T. and Mr. Amar Kale for Original Complainant.

Mr. Vijay Kolhe, PSI, Yavat Police Station.

CORAM : MANISH PITALE, J.
DATE : JANUARY 16, 2025

P.C. :

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

2. On 12.12.2024, this Court took into consideration the allegations made against the applicants herein and found it fit to grant interim relief in favour of the applicants subject to certain conditions, including a specific direction to the applicants to appear before the investigating officer on 16.12.2024 and thereafter as and when called by the investigating officer. They were also directed to co-operate with the investigation and to produce all documents in their possession, as may be demanded by the investigating officer.

3. The learned APP, on instructions, makes a statement that the applicants indeed appeared before the investigating officer and that they

have co-operated with the investigation.

4. The observations made in the order dated 12.12.2024 sufficiently demonstrate that this Court *prima facie* found a commercial dispute between the parties, which has been pursued by the first informant and in the process, amongst other steps, he has caused the FIR to be registered.

5. The nature of allegations made against the applicants indicates that the investigation necessarily involves documentary material and since the applicants have co-operated with the investigation, it would be appropriate that the application itself is allowed. It is to be noted that while granting interim relief to the applicants, this Court, in the order dated 12.12.2024, made the following observations:

“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.”

6. The above-quoted observations hold good for allowing the application itself. Although the learned counsel appearing for the first informant has vehemently opposed the prayer made in the present application and it is indicated that he intends to place on record an intervention application along with certain documents, it would be appropriate to indicate that the first informant is free to assist the investigating authority by relying upon documentary material in his possession.

7. The applicants have made out a case for the present application being allowed.

8. In view of the above, the interim order dated 12.12.2024 is made absolute and the application is allowed.

(MANISH PITALE, J.)

Minal Parab