

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.853 OF 2025

Kinner Kanu Nayak .. Applicant
Versus
The State of Maharashtra .. Respondent

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- Mr. Mithilesh Mishra, Advocate for Applicant.
 - Ms. Savita M. Yadav, APP for Respondent.
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CORAM : MILIND N. JADHAV, J.

DATE : FEBRUARY 27, 2025

P.C.:

1. Heard Mr. Mishra, learned Advocate for Applicant and Ms. Yadav, learned APP for Respondent.

2. Facts in the present case are such that criminal action has been invoked by Complainant in respect of an investment made by his father several years back in development of a project which was undertaken by Applicant's firm.

3. Mr. Mishra would submit that father of Complainant expired in the year 2016 and Complainant filed a complaint under Section 154 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') before Santacruz Police Station on 17.12.2020. Santacruz Police Station refused to register the First Information Report. Thereafter he approached the Magistrate under Section 156(3) of Cr.P.C. for seeking directions which also came to be rejected on 28.07.2021. Despite the

aforesaid two orders which are appended at page Nos.45 and 90 of the Application, Complainant suppressed the aforesaid two orders and once again registered the First Information Report with Santacruz Police Station on 20.10.2022. Applicant came to be arrested 10 months later. He would submit that the C.R. registered with Santacruz Police Station same day was transferred to EOW and the present crime is registered as C.R.No.157 of 2022 dated 20.12.2022.

4. Mr. Mishra would persuade the Court to consider Applicant's case which is fully covered by the decision of this Court in the case of *Rakesh Brijlal Jain and Ors. Vs. State of Maharashtra and Ors.*¹

5. Ms. Yadav requests for grant of four weeks of time to file Affidavit-in-Reply. Respondent is directed to file Affidavit-in-Reply within a period of four weeks from today positively. It is clarified that if no Affidavit-in-Reply is filed on the next adjourned date, no further extension will be granted and matter will be taken up for hearing on its own merits.

6. Stand over to **27th March, 2025.**

H. H. SAWANT

[MILIND N. JADHAV, J.]

¹ Criminal Revision Application No.379 of 2016 decided on 21.01.2025.