

Shephali

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 1962 OF 2024
WITH
INTERIM APPLICATION (L) NO. 6641 OF 2025
IN
WRIT PETITION NO. 1962 OF 2024

Yadavendra Kumar Roy ...Petitioner
Versus
Union of India ...Respondent

WITH
WRIT PETITION NO. 1309 OF 2025
WITH
INTERIM APPLICATION (L) NO. 3578 OF 2025
IN
WRIT PETITION NO. 1309 OF 2025

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Nitish Kumar Roy ...Petitioner
Versus
Union of India ...Respondent

Mr Anupam Dighe, with Chandni Tanna & Prathamesh Chavan, i/b
India Law Alliance, for the Petitioners in all Writ Petitions
and for the Respondents in all Interim Applications.

Mr Jitendra B Mishra, with Sangeeta Yadav & Rupesh Dubey, for
Respondent No. 2, for the Applicant in IAL/6641/2025 &
IAL/3578/2025.

Mrs Shehnaz V Bharucha, for Respondent No. 3 in WP/1962/2024
& WP/1309/2025, IAL/6641/2025 & IAL/3578/2025.

**CORAM: SUMAN SHYAM &
SHYAM C. CHANDAK, JJ.**

DATED: 22ND AUGUST 2025.

PC:-

1. Heard Mr Dighe, learned counsel appearing for the Petitioners in the Writ Petitions and for the Respondents in the Interim Applications. Also heard Mr Mishra for Respondent No. 2 in Writ Writ Petitions and for the Applicant(s) in Interim Application (L) No. 6641 of 2025 and Interim Application (L) No. 3578 of 2025 and Mrs Bharucha for Respondent No. 3.

2. Mr Dighe submits that the Writ Petitions are ready for hearing as records and pleadings are complete. Considering the urgency expressed in the matter and the nature of the dispute involved in these cases, the matters are directed to be listed as a fixed item on 8th October 2025.

**INTERIM APPLICATION (L) NO. 6641 OF 2025 AND INTERIM
APPLICATION (L) NO. 3578 OF 2025:**

3. These two Interlocutory Applications have been filed by Respondent No. 2 in the connected Writ Petitions, seeking issuance of certain directions upon the Writ Petitioners in the line of statements made in paragraphs 3 and 12 of the Writ Petitions. The contention of the Applicant(s), in essence, is that certain documents are within the knowledge and domain of the Petitioners, which pertain to transactions carried out in the United States of America. Those documents are required for completing the investigation pending against the Petitioners. Therefore, this

Court may issue a direction upon the Petitioners to hand over such documents to the Applicants.

4. Raising a strong objection to the prayer made in the Application, Mr Dighe, learned counsel for the Petitioners submits that, first of all, no such document is in the possession of his clients. Secondly, the Applicant(s) cannot seek substantive relief by filing Interim Application in a Writ Petition filed by his clients.

5. After a careful scrutiny of the statements made in the Applications, we find that neither the documents sought for have been clearly mentioned there-in nor is there any categorical statement to the effect that those documents are presently in the custody and control of the Writ Petitioners. Under such circumstance, the question of issuing a direction to hand over the documents would not arise in the eyes of law. We also find sufficient force in the submission of the Petitioner's counsel that by filing an Interim Application, the Respondent No. 2 cannot seek substantive relief in a Writ Petition filed by the opponents.

6. In view of the above, while declining any relief in the Interlocutory Applications, we make it clear that the Applicants would be at liberty to exercise the powers conferred under the statute so as to secure the custody of documents, if any, for completing the investigation. We also make it clear that this order will not preclude the Applicants from making any application for cancellation of the anticipatory bail earlier granted to the writ petitioner, on the ground of violation of any condition of bail, if so advised.

7. With the above observations, both the Interim Applications are disposed of.

(SHYAM C. CHANDAK, J.)

(SUMAN SHYAM, J.)