

MHCC050056042021



IN THE COURT OF SESSIONS AT DINDOSHI,
BORIVALI DIVISION, GOREGAON, MUMBAI.

ANTICIPATORY BAIL APPLICATION NO. 1552 OF 2021
(MH-CC-0500-5604-2021)

IN
MECR.NO.05 OF 2021

Sanjay Shirinivas Mani & 5 Ors.,

...Applicants/Accused.

V e r s u s

The State of Maharashtra & Anr.,
(MIDC Police Station)

...Respondent.

Advocate Sharma for the Applicants / accused.
None for the State.

CORAM : N.L. KALE,
Additional Sessions Judge,
Borivali Division Dindoshi.
(C.R.NO.07)
Dt.01.11.2021.

ORDER ON AD-INTERIM BAIL

1. The present application is filed by the applicants/accused for the Anticipatory Bail.

2. Ld. Adv. Appearing for the accused prays for ad-interim bail in favour of the applicants.

3. Applicants are the directors of “Trinity Fashion Broadcasting and Merchandising”. It is alleged that complainant in this matter has filed a private complaint against the applicants before Ld. Metropolitan Magistrate for offences U/s. 420, 465, 467, 468, 471, 120(B) r/w.34 of IPC. In that matter, Ld. Metropolitan Magistrate passed an order U/s.156(3) of Cr. Pc and sent the complaint for its investigation through police. On the basis of the said order U/s.156(3) of Cr. PC, MIDC police registered MECR No.05/2021 against the applicant and started investigation.

4. According to applicants, they have not committed the offences alleged in a compliant and FIR and they have been falsely implicated in this crime. Hence, the applicant preferred the present application to avoid their arrest in a false crime.

5. Ld. Adv. appearing for the accused prays for ad-interim protection in favour of the applicant, till filing reply and documents by the prosecution. On the basis of the documents filed on record he submitted that, the dispute in between the complainant and applicants is of civil nature. He submitted further that while sending matter U/s.156(3) of Cr. PC for investigation, the concerned Ld. MM not applied its mind judiciously. He filed on record letter / notice of intimation given by him to MIDC in respect of this application.

6. On the basis of e-mails, agreements, details of money transactions documents etc. Ld. Adv. For the applicant submitted that,

actually no any cheating or forgery as alleged is committed by the applicants. He relied upon following rulings.

1. Fakruddin V/s. State of M.P. , reported in AIR SC.1326.
2. B.K.Kutty V/s. State , reported in 1984 CRI.L.J. 1282.
3. Chennadu Reddy V/s. Badam Reddy, reported in SCC Online 2021.

On perusal of above ruling its appears that, facts in those rulings are not identical and similar with the facts and circumstances of this matter. In this matter, the prosecution has yet not filed any document or reply. Hence, for ad-interim relief the finding in the above ruling not applicable at this stage.

7. It is a fact that, a notice of this application has been duly served on concerned police station by the applicants. But, today, nobody from said police station is appeared. Though, according to the applicants no any forgery or cheating as alleged is committed by them, now as per order of Ld. MM, the matter is under investigation.

8. If really, no offence is committed by the applicants then definitely the concerned police will file report U/s.169 of Cr. PC in this regard.

9. At present, the matter is still under the investigation. No any reply or documents filed by the prosecution regarding stage of investigation and progress in investigation also. Considering the nature of offences alleged and the allegations against the applicants, I am of the view that, it would be not legal and proper to grant ad-interim bail to the applicants, without hearing the prosecution on it. Hence, I proceed to pass the following order.

ORDER

1. A prayer for ad-interim protection to the applicants stands refused / rejected.
2. Issue notice to the opponent and call their reply on this bail application r/o. 08/11/2021.

(N.L.Kale)
Additional Session Judge
Borivali Div, Dindoshi

Date :- 01.11.2021.

Typed on : 01.11.2021.
Signed on : 01.11.2021.

“CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED ORDER”	
Date: 01.11.2021 at 04.20 P.M. UPLOAD DATE AND TIME	M.M.PALAV NAME OF STENOGRAPHER
Name of the Judge	HHJ.SHRI N.L.KALE (Court Room No.07)
Date of pronouncement of Order	01.11.2021
Order signed by P.O. on	01.11.2021
Order upload on	01.11.2021