

## CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 1324 OF 2015  
(Arising Out of SLP (Crl.)No.2603 of 2015)

VISIPY BAHADUR KAPADIA

APPELLA

NT (s)

VERSUS

STATE OF MAHARASHTRA AND ANR.

RESPON

DENT(s)

## O R D E R

Leave granted.

We have heard learned counsel for the parties.

By our order dated 1st April, 2015, we had directed that in the event of appellant's arrest in connection with M.E.C.R. No.1 of 2014 transferred to Crime Branch, C.I.D. Unit II, Mumbai, he shall be enlarged on b  
furnishing bail bonds in a sum of Rs.20,000/- (Rupees Twenty  
Thousand) with two sureties in the like amou  
satisfaction of the officer effecting the arrest.

We are today told by Mr. F.S. Nariman, learned seni  
appearing for the petitioner that the petitioner is not only  
willing to furnish bail bonds in the event of his arrest but

Signature Not Verified

Digitally signed by Deepak  
Mansukhani has  
Date: 2015.10.12 10:24:34 IST

at all times offered to cooperate with th

e ongoing  
Reason: DSC OF MR.  
DEEPAK MANSUKHANI IS  
BEING USED BY MR. ASHOK  
RAJ SINGH, CM.

investigation.

He submits that the petitioner has even

addressed communications to that effect to the investigating officer. Mr. Nariman submits that the appellant has even in the past appeared before the investigating officer as many as 16 times and answered all possible questions relevant to the completion of the investigation. He further submits that the appellant is willing to offer his continued cooperation with the ongoing investigation and that this matter could in that view be disposed of making the interim direction mentioned above absolute.

Learned counsel for the State of Maharashtra and the complainant respondent No.2, however, strenuously oppose that prayer. It is submitted on behalf of the respondents that in view of nature of allegation levelled against the appellant and the need for custodial interrogation the prayer for bail ought to be declined and the investigating officer permitted to take the appellant into custody for proper investigation.

Having given our anxious consideration to the submissions made at the bar, we are of the view that order dated 1st April, 2015 passed by this Court ought to be made absolute. We say so not only because of the nature of allegations made against the appellant but also on account of the fact that the appellant is and has always been willing to cooperate with the ongoing investigation.

We accordingly allow this appeal and set aside the impugned order passed by the High Court and make our order dated 1st April, 2015 absolute.

We, however, direct the appellant to cooperate in the ongoing investigation so that the same is concluded expeditiously, for which purpose the appellant is directed to appear before the investigating officer on three



Mr. S.N. Raj, Adv.  
Mr. Edith Dey, Adv.  
M/s. Karanjawala & Co.,Adv.

For Respondent(s)

Mr. Nishant Ramakantrao Katneshwarkar,Adv.  
Mr. Arpit Rai, Adv.  
Mr. Nikhil Chaudhari, Adv.  
Mr. Arvind S. Avhad,Adv.

UPON hearing the counsel the Court made the following  
O R D E R

Leave granted.

Appeal is allowed in terms of the signed order.

(Ashok Raj Singh) (Veena Khera)  
Court Master Court Master  
(Signed Order is placed in the file)