

MHCC020171332022



**IN THE SESSIONS COURT FOR GREATER MUMBAI**  
**AT MUMBAI**  
**ANTICIPATORY BAIL APPLICATION NO.2802 OF 2022**  
**(CRIME NO.261 OF 2019, TARDEO POLICE STATION)**  
**CNR No.MHCC02-017133-2022**

Satish Gangaprasad Upadhyay, ]  
Age : 47 years, Occ. : Business, ]  
Presently residing at : Shivpuri Colony, ]  
Etah Road, Tundla, Firozabad, ]  
Uttar Pradesh – 283 204. ] **... Applicant**

**Vs.**

State of Maharashtra, ]  
Tardeo police station within the jurisdiction ]  
of 4<sup>th</sup> Addl. Chief M. M. Court, Tardeo, ]  
Mumbai. ] **... Respondent**

**Appearances :-**

Mr. S. A. Shakir, Ld. Adv. for applicant.  
Mr. J. N. Suryawanshi, Ld. A.P.P. for respondent/State.

**CORAM : VISHAL S. GAIKE,**  
**ADDL. SESSIONS JUDGE,**  
**COURT ROOM NO.22.**

**DATE : 13<sup>th</sup> February, 2023.**

**ORDER**

1. This is an application under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail in connection with Crime No.261 of 2019 registered at Tardeo police station for the offence punishable under Section 384 r/w. 34 of the Indian Penal Code.

2. It is the case of the prosecution that, the complainant Kevin Minesh Shah gave report against the present applicant, co-accused Vinod Gupta and others alleging therein that on 11/09/2018, the present applicant and the co-accused visited the house of his parents along with Uttar Pradesh police team who were in civilian clothes. They threatened to arrest the complainant and his parents in the F.I.R. No.294 of 2018 which was registered in Tundla police station, District Firozabad, State Uttar Pradesh, on the report of one Sunil Bhagwansingh Chauhan, who was a Manager of Company namely, 'Parental Drugs (India) Ltd. Thereafter, they took 18 postdated cheques of Rs.7.5 Crores from the complainant and his parents and also, forcibly took an amount of Rs.7,70,000/-.

3. The say of the Investigating Officer was called. He has stated that, if anticipatory bail is granted to the applicant, then he may threaten and pressurise the witnesses and may not co-operate in the investigation. Hence, the application may be rejected.

4. Heard the parties. Learned counsel for the applicant submitted that, the applicant is innocent and has not committed any offence, as alleged. The prime accused Vinod Gupta had filed a Civil Suit against the complainant's Company in City Civil Court, Indore, Madhya Pradesh. He had given an advance of Rs.3,79,46,770/- to the complainant and his father, who were Directors in Eskaybee International Pvt. Ltd. for supplying plastic granules raw materials, but they failed to supply the said material and thus, cheated Vinod Gupta. Vinod Gupta had given F.I.R. No.294 of 2018 dated 22/06/2018 against accused Minesh Shah and others, who were the Directors of the said Company. Thereafter, the complainant and his father called accused

Vinod Gupta and others to his house to settle the dispute amicably. Thereafter, they willingly issued the postdated cheques in favour of accused Vinod Gupta. No cash amount was given at that time. Thereafter, the complainant and his father concocted a false story and gave false report on 25/10/2019 which was registered as F.I.R. No.261 of 2019 at Tardeo police station. Notice under Section 41(1)(A) of the Code of Criminal Procedure was issued to the applicant and he remained present before the Investigating Officer and gave his statement in writing on 28/11/2021. The Hon'ble Bombay High Court has already granted anticipatory bail on dated 13/12/2021 to prime accused Vinod Gupta and the charge-sheet is already filed in the Court of learned Additional Chief Metropolitan Magistrate, 4<sup>th</sup> Court, Girgaon, Mumbai. Therefore, there is no need of custodial interrogation of the applicant. The applicant is ready to abide any condition which may be imposed upon him in the event of his application being allowed. Hence, the anticipatory bail may kindly be granted to him.

5. Learned A.P.P. vehemently opposed the application and reiterated the contents of the say of the Investigating Officer.

6. I have considered the submissions made by the parties. The charge-sheet is already filed in the concerned Court and main accused Vinod Gupta has been granted anticipatory bail by the Hon'ble Bombay High Court. In the facts of the present case, there is no need of custodial interrogation of the applicant. Consequently, I proceed to pass the following order :-

**ORDER**

1. Anticipatory Bail Application No.2802 of 2022 is hereby allowed.

2. In the event of arrest of applicant Satish Gangaprasad Upadhyay in connection with C.R. No.261 of 2019 under Section 384 r/w. 34 of the Indian Penal Code registered at Tardeo police station, he shall be released on executing his P.R. bond of Rs.15,000/- with one surety in the like amount, and on following conditions :-

- (a) He shall not tamper with the prosecution witnesses and evidence ;
- (b) He shall furnish his detail address, mobile/contact number, address proof, identity proof at the time of furnishing bail ;
- (c) In case of change of his residence or mobile/contact number, he shall inform it to the Court and Investigating Officer ;
- (d) He shall attend the concerned police station as and when called by the Investigating Officer by prior written notice, for the purpose of investigation till filing of the charge-sheet ;
- (e) He shall attend the Court regularly, if any charge-sheet is filed against him ;
- (f) He shall co-operate with the Investigating Officer ;
- (g) He shall not leave the jurisdiction of this Court without the permission of concerned Metropolitan Magistrate and if the case is committed to this Court, without the permission of this Court ;
- (h) He shall not give any threat or pressurise the complainant and witnesses in any manner which may dissuade them from disclosing any fact of the case to the police officer or to the Court.

3. Anticipatory Bail Application is disposed off accordingly.

( VISHAL SADASHIVRAO GAIKE )  
ADDL. SESSIONS JUDGE,  
CITY CIVIL & SESSIONS COURT,  
GREATER MUMBAI.

Date : 13/02/2023.

Directly typed on Computer on : 15/02/2023.  
Printed on : 16/02/2023. Signed on :

"CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED JUDGMENT/ORDER."	
UPLOAD DATE AND TIME 16/02/2023 at 1.55 p.m.	NAME OF STENOGRAPHER Bahushruta Y. Jambhale
Name of the Judge ( With Court Room No.)	H.H.J. Shri Vishal S. Gaikar (Court Room No.22)
Date of Pronouncement of JUDGMENT/ORDER	13/02/2023.
JUDGMENT/ORDER signed by P.O. on	16/02/2023.
JUDGMENT/ORDER uploaded on	16/02/2023.