



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO. 94 OF 2024

Ms. Nandita Saha ..Applicant
Versus
State of Maharashtra ..Respondent

**WITH
ANTICIPATORY BAIL APPLICATION NO. 97 OF 2024**

Ms. Raadhika Nanda ..Applicant
Versus
State of Maharashtra ..Respondent

Mr. Abhishek Yende a/w. Surbhi Agrawal a/w. Vishal Dhasade for Applicants in both ABAs.

Ms. Mahalakshmi Ganapathy, APP for State/Respondent in both ABAs.

Mr. Pratik Deore i/b. Dinesh Kadam a/w. Amar Thakur for Intervenor in both ABAs.

**CORAM :- SARANG V. KOTWAL, J.
DATE :- 15 JANUARY 2024**

P.C. :-

1. In both these applications, today a common order is passed because the Applicants seek protection from arrest in connection with the same F.I.R.

2. The Applicants are seeking anticipatory bail in

connection with C.R.No. 434 of 2023, registered at M.I.D.C. Police Station, Mumbai, under Sections 406, 409 and 420 r/w. 34 of the Indian Penal Code.

3. Heard Mr. Abhishek Yende, learned counsel for the applicants, Ms. Mahalakshmi Ganapathy, learned APP for State/Respondent and Mr. Pratik Deore, learned counsel for the Intervenor.

4. Mr. Pratik Deore, learned counsel states that, he has instructions to appear for the first informant. He seeks time to file an intervention application. At his instance, today I am adjourning the matter. Since the matter is being adjourned, I have heard the parties for consideration of ad-interim relief.

5. The F.I.R. is lodged by one Deven Bafna. He was a Chartered Accountant. He has lodged the F.I.R. on behalf of Shri. Vivek Oberoi. It is mentioned in the F.I.R. that, Shri. Vivek Oberoi and Smt. Priyanka Oberoi had formed a firm which was an LLP by the name Oberoi Organic LLP. It was established on 24.02.2017. The main business of the firm was production of organic products

and to market it throughout India. However, since there was not much demand, they decided to diversify into the film business because they had experience in that field. Shri. Vivek Oberoi got acquainted with one Sanjay Saha. The F.I.R. mentions that, they met in a hotel in February 2020 and decided to establish a firm. Both of them agreed on certain clauses. Accordingly, Shri. Oberoi invested Rs.27 lakhs. He was to get 33.33% of shares. The applicant Nandita Saha is mother of Sanjay Saha. Both of them were to get 33.34% shares and balance 33.33% shares were to be given to the applicant Raadhika Nanda. Accordingly, a separate firm by the name Anandita Entertainment LLP was formed. The F.I.R. goes on to mention various instances where according to the first informant, Shri. Oberoi was cheated of his money. According to the F.I.R., the misappropriation was to the tune of Rs.1,55,72,814/-.

6. Learned counsel for the applicants submitted that the F.I.R. itself shows that, all the decisions were taken by Shri. Sanjay Saha. The main allegations against the present applicants are that, Rs.5 lakhs were invested in the Tata AIG Life Insurance in the

name of applicant Nandita Saha and Rs.10 lakhs were taken by the applicant Raadhika Nanda by way of her salary. Learned counsel submitted that the clauses in the agreement make provision for such payment. The agreement is dated 01.12.2020. The clause No.21 mentions that all the partners were to have rights, title and interest in all the assets and properties in proportion of their profit sharing ratio. The partners could draw remuneration subject to profit of the LLP and approval of all the partners. The agreement also provided for welfare of the partners as mentioned in Clause 38(m). Thus, the allegations attributed against the present applicants are covered under these clauses. In any case, at the highest, this dispute is between the partners inter se and for that criminal offence is not made out.

7. Considering these submissions, learned counsel for the applicants has made out a case for grant of ad-interim relief.

8. Hence, the following order.

ORDER

i) In the event of their arrest in connection with

C.R.No. 434 of 2023, registered at M.I.D.C. Police Station, Mumbai, till the next date, the Applicants be released on bail on their executing P. R. bonds in the sum of Rs.30,000/- each (Rupees Thirty Thousand each Only) with one or two sureties each in the like amount.

- ii) This order shall operate till 22/02/2024.
- iii) The Applicants shall attend the concerned Police Station from 29/01/2024 to 31/01/2024 between 1.00p.m. to 4.00p.m. and thereafter as and when called. The applicants shall cooperate with the investigation.
- iv) Stand over to 22/02/2024.

(SARANG V. KOTWAL, J.)