

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 797 OF 2015

Arpit S/o Banwarilal Garg
Age : 33 years, Occu.: Business,
R/o. Mangalmurthi Navalkha-nagar,
Indore (MP) .. Applicant

VERSUS

The State of Maharashtra,
Through the Principal Secretary,
Home Department, Mantralaya,
Mumbai - 32
and
Police Station Officer,
Dhule Taluka Police Station,
Dhule .. Respondent

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Mr. R.R. Mantri, Advocate i/b. Mr. B.A. Agrawal,
Advocate for the applicant
Mr. S.P. Daund, APP for the respondent-State
Mr. S.S. Patil, Advocate for assist to A.P.P. (i.e.
applicant in Criminal Application no. 930 of 2015)

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CORAM : M.T. JOSHI, J.
DATED : 23/02/2015

ORAL ORDER :

1. Heard both sides.
2. The present applicant, who is arrested by
Dhule Taluka Police Station, Dist. Dhule in Crime

no. 85 of 2014 for the offences punishable under section 406, 408, 409, 420, 467, 468, 469, 470, 471, 472, 120-B, 34 of the Indian Penal Code, is praying for his release on bail.

3. The earlier application of the present applicant for anticipatory bail was decided by this Court. Therefore, the present application is also placed before this Court. This Court has an occasion to deal with the facts in the case in various applications. The gist of the allegations are that the present applicant alongwith his family members had duped the complainant Jawahar Shetkari Sahakari Sootgirni Ltd., Dhule by making manipulation regarding the VAT (Value Added Tax) and thus, loss of around Rs. Three Crore and odd has occasioned.

4. Learned counsel for the applicant submits that the applicant is behind the bar since 10th August, 2014. The investigation is now complete.

The allegations in the FIR that the present applicant is the proprietor of one M/s Vishnu Cotton Company and M/s Kaveri Cotex Company, is proved to be false after investigation, as those Companies stand in the name of other persons. He submits that the applicant is the permanent resident of the address shown in the application. He would be very well available for trial. Refusal of bail may amount to punishing the applicant before the trial. In the circumstances, relying on the ratio of **"Sanjay Chandra Vs. CBI" 2011 DGLS (Soft.) 924**, he submits that the applicant be released on bail.

5. On the other hand, learned A.P.P. and learned Advocate assisting the learned A.P.P. point towards the material on record and, more particularly, the statement of the Chartered Accountant as well as the Income Tax Consultant, which would show that, though in the FIR, the present applicant was initially shown as the proprietor of the two concerns, during the

investigation, it was found that he was very well engaged in preparing forged documents like Auditor report and VAT return of other firms involved in the same crime with the principal accused. Statement of Anurag Joshi, the Chartered Accountant would show that the present applicant has produced the forged audited report under the counterfeit signature and the seal of the said Chartered Accountant.

6. Statement of the Tax Consultant Mr. Milankumar Barana, Advocate would show that the present applicant has joined in opening various firms in the name of his labours and it was also found that certain forged documents were created.

7. Considering all the material on record and finding that prima facie it is case of siphoning the amount of co-operative Society, and that the investigation is now complete, in my view, the applicant can very well be released on bail on certain conditions.

8. Hence, the following order:-

I) The Application is allowed.

II) The applicant be released on bail in Crime no. 85 of 2014 registered with Dhule Taluka Police Station, Dist. Dhule for the offences punishable under section 406, 408, 409, 420, 467, 468, 469, 470, 471, 472, 120-B, 34 of the Indian Penal Code, upon his executing P.R. bond in the sum of Rs.30,000/- (Rs. Thirty Thousand) and also upon furnishing surety in the like amount and also upon deposit of amount of Rs.1,00,00,000/- (Rs. One Crore) in the Court of learned Chief Judicial Magistrate, Dhule, where the chargesheet is filed, within a period of three (3) months from the date of this order.

III) The applicant be released on bail, upon furnishing of P.R. bond and the surety, as directed earlier. In case however, the amount, as directed

above is not deposited, the applicant shall
surrender before the appropriate authority.

9. Criminal Application is accordingly
disposed of.

[M.T. JOSHI]
JUDGE

arp/-