

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 65 OF 2015

Sanjib Biren Naskar. ... Applicant.
Versus
The State of Maharashtra. ... Respondent.

Mr. Chandrashekhar Anantpure, advocate for Applicant.

Ms. R.V. Newton, APP for State.

CORAM : SMT.SADHANA S. JADHAV,J
DATE : JANUARY 30, 2015

P.C.:

1 Heard the learned Counsel for the applicant and the learned APP.

2 This is an application under Section 438 of the Code of Criminal Procedure, 1973. The applicant herein is apprehending his arrest in Crime No. 98 of 2014 registered with Koregaon Park Police Station, Pune for offence punishable under Section 420, 408 read with Section 34 of the Indian Penal Code. It is the case of the prosecution that the complainant one Shri Rajesh Mehta lodged a report at the police

station on 30/9/2014 alleging therein that he is the owner of a hotel which he runs in the name and style of Little Italy in Shriman Hotel at Goregaon Park. The present applicant was working as an accountant. In that restaurant. According to the complainant, he had staff of 25 persons out of which 3 persons were cashier and the present applicant was working as an accountant. He had modulated the system for maintaining correct account. In August, 2014, he has realised that he is suffering heavy losses and that the amount received by him did not match with the records maintained by the accountant. He has alleged that 3 cashiers in collusion with the accountant had specifically changed the bills in computer system and had misappropriated the amount of Rs. 36,26,818/-. In the first information report, he has specifically given the modus operandi of his staff.

3 The learned Counsel for the applicant submits that in fact, the amount was received by the cashier and it was not duty of the accountant to accept the amount. According to the learned Counsel, the accountant had no role to play.

4 The learned APP has drawn the attention of this Court to the allegation in the FIR that according to the complainant, it was the duty of the present applicant as an accountant to verify that the amounts received at the counter was in accordance with bills. Learned APP submits that at the first instance, he was as good as a supervisor over the work of the cashiers.

5 Perused the papers of investigation. Waiters in the said hotel had attributed specific role to the applicant. In view of this, the applicant does not deserve pre-arrest bail.

6 Learned APP further submits that the present applicant is the original resident of Calcutta and is likely to flee. Learned Counsel for the applicant submits that the applicant is at present residing at Shree Hans Nagar Cooperative Housing Society, Dhanori Road, Taluka Haveli, District Pune.

7 However, in the present case, custodial interrogation is imperative. Hence, the applicant does not deserve the discretionary relief in the form of pre-arrest bail. The application, being sans merit, is rejected. The same is disposed of accordingly.

(SMT. SADHANA S. JADHAV,J)