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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.380 OF 2015

Krishna Karan Singh ... Applicant
V/s.
The State of Maharashtra ... Respondent

Mr.Irfan A. Shaikh, for the Applicant.
Ms.P.P.Shinde, APP for the Respondent – State.
Ms.Vijay Pachal, Charkop Police Station, Mumbai.

CORAM : REVATI MOHITE DERE, J.
DATED : 19th MARCH, 2015.

PC.

1. Heard learned counsel for the Applicant and the learned APP for the Respondent - State.
2. By this application, the applicant seeks pre-arrest bail in connection with M.E.C.R. no.I-433 of 2014, registered with the Charkop Police Station, Mumbai, for the alleged offences punishable under Sections 409, 419, 420, 506(II) of Indian Penal Code.
3. The present MECR has been registered on a private complaint filed by M/s.Jetpack Machines Private Limited, through its Managing Director,

in the Court of the Additional Chief Metropolitan Magistrate, pursuant to which, the learned Magistrate was pleased to pass an order, under Section 156(3) of the Code of Criminal Procedure.

4. The applicant was appointed as a representative of the Company – M/s.Jetpack Machines Private Limited in 2010. Thereafter, in 2013, he was appointed as a Commission Agent by the said Company. It is alleged by the complainant, that during the Complainant Company's i.e. M/s.Jetpack Machines Private Ltd., business transactions with M/s.Surya Pharma, the present applicant had collected a sum of Rs.19,00,000/- in cash from M/s.Surya Pharma, on behalf of the Complainant Company's i.e. M/s.Jetpack Machines Private Ltd., and mis-appropriated the same.

5. Learned Counsel for the applicant submitted that apart from the two invoices dated 12th September, 2013 and 1st March, 2014, no document has been brought on record by the complainant nor any correspondence had been brought on record, for the period July 2012 to September, 2012, to show that there was any business transaction between M/s.Surya Pharma and M/s.Jetpack Machines Private Ltd., during which period, the alleged mis-appropriation took place. He

submitted that the receipt which is relied upon in the private complaint does not bear the signature of the applicant. He submitted that the complaint is bereft of details, with regard to the exact mis-appropriation by the applicant. He submitted that the complaint is silent on the delay in filing the complaint. According to the learned counsel, as the applicant had filed a Civil Suit for recovery of his commission money as against the Complainant Company in April 2014, in the Court of the learned Civil Judge Senior Division, Kanpur, the present complaint came to be filed as a counter blast to the same, in August, 2014, in Mumbai, although the alleged transaction had taken place at Kanpur.

6. Learned APP submits that there is only one letter addressed by M/s.Surya Pharma wherein it is stated that the present applicant was paid an amount of Rs.3,84,000/-. The said letter was addressed to the Director of M/s.Jetpack Machines Private Limited. Apart from that she submitted that there is no other material collected by the officer nor any documents have been supplied by the complainant to the investigating officer in support of the complaint.

7. Considering the nature of allegations ; the material on record ; and

and the fact that the entire material is documentary in nature, the custody of the applicant is not required. Accordingly, the applicant deserves to be granted pre-arrest bail on the following terms and conditions :

ORDER

- i) In the event of the arrest, the Applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount ;
 - ii) The Applicant shall attend the concerned Police Station on 21st March, 2015 between 10.00 a.m. to 12.00 noon, and thereafter, as and when called for by the Investigating Officer ;
 - iii) The Applicant shall not tamper or attempt to influence any person concerned with the case ;
 - iv) The Applicant shall co-operate in the conduct of the trial.
8. The Application is allowed and disposed of in above terms.
9. The aforesaid observations are prima-facie, and the Trial Court shall decide the case on its own merits, in accordance with law,

uninfluenced by the observations made in this order.

10. Parties to act upon the authenticated copy of this order.

(REVATI MOHITE DERE, J.)