

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1201 OF 2015**

Prachi Rakesh Basankar
versus
The State of Maharashtra

..Applicant.

..Respondent.

.....

Mr. Prashant G. Sawant for the Applicant.
Mr. S.H. Yadav, Addl. P.P. for the State.
Mr. Bhagwat Balaji Bansod, Police Inspector – N.M. Joshi Marg Police
Station, Mumbai present.

.....
CORAM : A.S. GADKARI, J.

17th August 2015.

P.C. :

The Applicant is apprehending arrest in C.R. No.8 of 2015 registered at N.M.Joshi Marg Police Station dated 8th January, 2015 under Sections 408, 465, 468, 471 and 420 of the Indian Penal Code. The complainant Sudhir Patil has registered First Information Report with the police station thereby stating that he is the partner of the firm viz. A-1 Services. That the Applicant herein was working with the said firm on the post of Senior Accountant. That the Applicant was managing the work of distribution of the salary of the workers, petty cash accounts, advance payment to the workers and other relevant work. The Applicant was getting the decided salary. The Applicant was pregnant and therefore, she sought leave from 1st May, 2013 for a period of four months. On 21st June, 2013 the Chartered Accountant of the company prepared the audited statement of accounts and during the course of that statement, it was revealed that there is a defalcation of Rs.15 lacs in the accounts of the said company. It was

further noticed that the Applicant deducted payment of 20 workers twice and she has defalcated Rs.21 lacs from the said amount. It was also noticed that the Applicant had effected forged and/or bogus signatures on the vouchers. The complainant therefore registered a complaint with the N.M. Joshi Marg Police Station.

2. Heard Mr. Sawant for the Applicant and Mr. Yadav, learned APP for the State.

3. It is the contention of Mr. Sawant that the Applicant has been falsely implicated in the present case. She never committed any dishonest act such as defalcation of the amount. He further submitted that the Applicant being a lady and has a child of two years, she may be granted anticipatory bail.

4. Mr. Yadav on the other hand after taking instructions from the Investigating Officer, who is present in the Court, submitted that during the course of investigation, it has revealed that an amount of Rs.5.50 lacs in cash has been deposited in the account of the Applicant. He further submitted that it has further been revealed that certain amounts in cash have also been deposited in the account of the husband of the Applicant. He submitted that for unearthing the truth of the matter, custodial interrogation of the Applicant is very much necessary. Mr. Yadav upon instructions further submitted that

though the Trial Court by the order dated 8th April, 2015 had directed the Applicant to attend the concerned police station on 13th April 2015 to 17th April 2015 in between 12.00 noon to 2.00 p.m., the Applicant did not co-operate with the investigating agency and did not disclose the source of cash flow into her account. He submitted that the Application may be rejected as the custodial interrogation of the Applicant is necessary to investigate the present crime.

5. After taking into consideration the facts and circumstances of the case, it is to be noted here that the Applicant was the Senior Accountant in the company / firm of the complainant and there is an allegation against the Applicant for misappropriation and/or defalcation of a sum of Rs.21 lacs. It is pertinent to note that the Applicant being a salaried employee, the source of cash deposits in her account is to be investigated. It prima facie appears that the proceeds of the crime have been deposited in the said account. In that view of the matter, I am not inclined to accede to the request of the pre-arrest bail to the Applicant. To unearth the truth in the present crime, custodial interrogation of the Applicant is very much necessary and if the Applicant is granted pre-arrest bail, the process of investigation will affect seriously.

In that view of the matter, the present Application is rejected.

(A.S. Gadkari, J.)