

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION  
**ANTICIPATORY BAIL APPLICATION NO.315 OF 2016**

Shri Vikas Dongare

... Applicant

Vs.

The State of Maharashtra

... Respondent

Mr.A.B. Avhad for the Applicant

Mrs.P.P. Shinde, APP, for Respondent – State

Mr.S.G. Kale, PI, Navghar Police Station – present

CORAM: **MRS.MRIDULA BHATKAR, J.**

DATE: **APRIL 5, 2016**

**P.C.:**

1. This is an application for pre-arrest bail as the applicant-accused is facing prosecution under section 406, 408, 420, 465, 467, 468, 469, 471, 477A, 120B r/w 34 of the Indian Penal Code at C.R. No.24 of 2015 on 7.4.2015 with Navghar police station. The complaint is registered at the instance of one Mr.Surendra Ramswaroop Ravat.

2. It is the case of the complainant that he is working as an Assistant General Manager at Agility Logistics Pvt. Ltd. which provides godowns to various companies. The company is also in the business of transportation. They have hired some vehicles and used to give contract to clearing agencies on commission basis. Out of these agencies, Om Sai Express Cargo was one of the companies and Ghanshyam Singh, the co-accused, was proprietor of the said company. The vigilance section of octroi

department of the Municipal Corporation examined the record of the company during 2013 – April, 2014 and found that the tax to the tune of Rs.83,18,764/- is evaded by the company and so the demand was made by the Corporation. On enquiry, the complainant and his company found that the receipts which they showed of payment of octroi were bogus and, therefore, they further contacted the agencies to whom the contract of transportation was given. It was found that these agencies have forged these receipts or invoices and though the company has given amount of octroi, these persons did not pay the same and used that amount for their new own benefit and gave forged invoices. It is the case of prosecution that the applicant-accused is associated with Ghanshyam Singh and he used to provide forged invoices.

3. The learned Counsel for the applicant-accused submitted that the applicant is innocent and has not committed any offence. He submitted that the applicant was not associated with Ajay Pawar, the principal accused. He has only provided his vehicle to Ajay Pawar. The contract of transportation was taken by Ajay Pawar and he only looked after the business. It was his responsibility to pay octroi though he has taken money from the company. He further submitted that the applicant-accused has attended the concerned police station. When he was granted interim pre-arrest bail and he has cooperated fully.

4. Learned Prosecutor has opposed the application.

5. Perused the FIR, the statements of persons recorded by the Investigating Officer. It is a case of octroi evasion. It appears from the record that the applicant-accused was involved providing forged octroi 'B' forms. He worked as middleman between Ghanshyam Singh and Sachin Phadtare and other two co-accused out of whom Ghanshyam Singh was arrested and released on bail and Sachin Phadtare is absconding. He was getting Rs.10,000/- per month from Ghanshyam Singh. The police have clue that the applicant-accused used to give his vehicle i.e., Maruti Omni to Ajay Pawar, the principal accused, who is released on bail. Considering this as also the nature of the offence, I am inclined to grant pre-arrest bail to the applicant-accused on the following terms:

- i) In the event of arrest, the applicant-accused shall be released on bail upon furnishing P.R. Bond in the sum of Rs.25,000/- with one or two solvent sureties in the like amount;
- ii) The applicant-accused shall cooperate with the Investigating Officer and attend the concerned police station on every Monday from 4 pm to 6 pm for a period of one month or till filing of chargesheet, whichever is earlier.

- iii) The applicant-accused shall not tamper with the evidence or pressurise the complainant;
- iv) The applicant-accused shall not indulge into any criminal activity;
- v) The applicant-accused shall not abscond or leave India without prior permission of the Court and furnish his permanent address to the Investigating Officer alongwith documentary proof of his address.
- vi) In the event of breach of any of the above conditions, the prosecution will be at liberty to move the Court for cancellation of bail.

6. Anticipatory Bail Application is disposed of on the above terms.

**(MRIDULA BHATKAR, J.)**