IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 547 OF 2016

Mr. Amit Kumar Hakim Singh .....Applicant

V/s.

The State of Maharashtra and Ors. .....Respondents

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Mr. H.R. Sharma, Advocate for the applicant.

Ms. Sharmila Kaushik, APP for respondent no.1, State.

Mr. Aditya Mithe i/by. Mrunmai Kulkarni, Advocate for respondent no.2.

P.I. Ravi Sardesai, Cyber Police Station present.

CORAM :- N.W. SAMBRE, J.

DATED :- 16th NOVEMBER, 2016.

P.C. :-

1). In Crime No. 38 of 2016 registered on February 4, 2016 punishable under Sections 419, 420 read with Section 34 Indian Penal Code, the present applicant is seeking pre-arrest bail.

2). The prosecution case appears to be, one Fia Technology Services Private Limited is a service provider for online bill payments and other business activity. The said Company initially charges registration fees to the customers and upon enrollment provides them various services such as, online payment, top-up on mobile, bus and airline booking, transfer of amount etc.

3). The applicant, who claims to have been appointed as a Vice-President at Fia Technology Private Limited at Goregaon (East), Mumbai is alleged to have opened an Account in the name of a third person and committed fraud to the tune of Rs.12,22,771/- by transferring the amount to the said Account and withdrawing the same for his personal benefit instead of depositing the same to the Account of the Company. In this background, while trying to make out a case for pre-arrest bail, my attention is invited to the fact that the applicant has paid substantial amount to various persons who have deposited the amount with the Company in question, particularly, when the amount was not received by the applicant from the Company though same was due and payable to the customers/debtors. It is not in dispute that, on earlier occasion also, the Company has reimbursed the amount paid by the applicant to the person to whom the Company was liable to pay.

4). In this background, the learned APP, while opposing the bail has urged that, though admittedly the above referred procedure was practised in the past, the applicant has played fraud by withdrawing an amount of Rs.12,00,000/- and odd.

5). Prima-facie from the record and the other material available on the record, it depicts that there appears to be a dispute between the applicant and its employer qua the amount to which the applicant was entitled towards reimbursement for the amount paid by the applicant to the various persons for/and on behalf of the Company.

6). Looking to the practice as was adopted by the Complainant, Company in the past, the contention of the applicant that the amount was adjusted towards his legitimate claim appears to be a probable story in favour of the applicant.

7). Apart from above, there are no criminal antecedents and the applicant is very much available for investigation. In view thereof, the application stands allowed.

8). The applicant to furnish P.R. Bond of Rs.50,000/- (Rs. Fifty Thousand only) with one surety in the like amount.

9). The applicant to attend police station on Monday and Thursday initially for a period of 4 weeks between 10 to 12 a.m. and thereafter as and when called.

10). The applicant not to tamper with the witnesses or evidence in any manner whatsoever.

(N.W. SAMBRE, J)