

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO.1031 OF 2015

Gurmeet Singh Sawhney

...Applicant

Versus

The State of Maharashtra

...Respondent

.....

Mr. S.G. Rajput for the Applicant.

Mr. Arfan Sait, APP for the Respondent -State.

Mr. Jagdish Dharme, PSI, Ichalkaranji police station,
present.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATE : 25th FEBRUARY, 2016.

P. C. :

By this application the Applicant seeks pre-arrest bail in C.R. No.40 of 2013 registered with the Gaonbhag Ichalkaranji Police Station, Kolhapur, for the offences punishable under sections 406 and 420 r/w. 34 of the Indian Penal Code.

2. The learned counsel for the Applicant has submitted that the material on record does not prima facie show the involvement of the Applicant in committing the crime. He therefore, submitted that the Applicant is entitled for bail.

3. The learned APP submits that the Applicant has not joined

the investigation and that his presence is required for custodial interrogation.

4. I have perused the records and considered the submissions advanced by the learned counsel for the Applicant and the learned APP for the Respondent -State. The FIR lodged by Madhukumar Surendrakumar Jain prima facie indicates that he is one of the partners of Rajlakshmi Sythetics Firm, which deals with business of sale of cloth material. In the year 2006 he got acquainted with a broker by name Kailash Malhotra, who introduced him to Mr. Bhupinder Sawhney, the Managing Director of Koutons Retail India Pvt. Ltd. After initial negotiations Mr. Bhupinder Sawhney, the Managing Director, placed an order for cloth material worth Rs.2 crore. The first informant initially supplied the cloth material worth Rs.50 lakhs and he received the payment for the same. Subsequently between 9.8.2009 to 4.12.2009 the first informant supplied cloth material worth Rs.1,37,82,116/-, details of which are given in the FIR. Mr. Bhupinder Sawhney in the capacity of a Managing Director of the said company issued several cheques towards price of the said cloth material. Said cheques were dishonoured for insufficient funds. The first informant returned the said cheques to the co-accused Kailash Malhotra with a request to issue

fresh cheques. In the meantime, the company Koutons Retain India placed another order of cloth material for approximately 1.5 crors. The first informant once again supplied cloth material worth Rs. 1,53,20,663/-. The details of which are given in the FIR. Mr. Bhupinder Sawhney, the Managing Director once again issued several cheques for different amounts. The said cheques were once again dishonoured.

5. The FIR does not prima facie indicate that the Applicant herein was involved in inducing the first informant to supply the cloth material. The FIR also prima facie does not indicate that the Applicant had issued the cheques or had assured him that he would be making the payments. The Applicant herein has been roped in only as a Director of Koutons Retail India Ltd. There is no prima facie material to show the involvement of the Applicant in committing the said crime. Hence, in my considered view the Applicant is entitled for pre-arrest bail.

6. Under the circumstances, the application is allowed on the following terms and conditions:-

(i) In the event of arrest of the Applicant, in C.R. No.40 of

2013 registered with the Gaonbhag Ichalkaranji Police Station, Kolhapur, the Applicant is ordered to be released on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand only) with one surety to the like amount to the satisfaction of the J.M.F.C., Ichalkaranji.

- (ii) The Applicant shall report to the Investigating Officer for seven days in between 10.00 a.m. to 1.00 p.m. and thereafter as and when required for the purpose of the Investigating Officer, from the date of receipt of this order.
- (iii) The Applicant to furnish his contact details and permanent as well as temporary address, if any, to the Investigating Officer and the Investigating Officer to verify the same before releasing the Applicant on bail.

(ANUJA PRABHUDESSAI, J.)