

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 1257 OF 2016

1. Mr. Jayraj Sankaran Kottarapat
2. Mr. Sanjaykumar Nathaji Dhotre
3. Mr. Pradeep Popat Mane

... Applicants

Vs.

The State of Maharashtra

... Respondent

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Mr. Mahesh Devlekar a/w. Mr. Ramesh Lad and Mr. V.R. Salokhe for the applicants.

Ms. S.S.Kaushik, APP for the respondent -State.

Mr. Yogesh Gandhi for Intervenor.

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CORAM : N. W. SAMBRE, J.

DATE : 29th November 2016

P.C.

1. The applicants are seeking pre-arrest bail in C.R. No. 2 of 2016 for offences punishable under sections 406, 420, 120B read with 34 of the Indian Penal Code. The prosecution story against the applicants is, the applicants are employees of one John Distilleries, which is manufacturing spirit from molasses supplied by Balaji Molasses and Sugar Pvt. Ltd.

2. It is claimed that the applicants who acted as forefront of Balaji Molasses and Sugar Pvt. Ltd. and John Distilleries misrepresented the complainant that he will get the denatured spirit at reasonable price, and received an order for Rs. 4,01, 25,000/- (Rupees Four Crore One Lakh Twenty Five Thousand only), including that of past payment and have not supplied the same. They tried to make out a case for grant of bail.

3. Learned counsel for the applicants submit that apart from the alleged agreement for sale and purchase in between the management of the complainant and the applicants, the applicants have hardly any role to play in the alleged fraud. It is claimed that the applicants are neither benefited in said deal nor involved in any of the decision making process, so as to defeat the alleged agreement between the complainant and Balaji Molasses and Sugar Pvt. Ltd. According to them, for the reasons that the applicants are not in the management, they are entitled for bail.

4. The learned APP opposed the application on the ground that the offence is having an economic colour and is required to be viewed

seriously. It is also brought to my notice that the bail application of the Directors of Balaji Molasses and Sugar Pvt. Ltd. has already been rejected upto the Apex Court and as such, there is a strong prima facie case against the applicants.

5. Considering the allegations against the present applicants and the role attributed to them in the entire agreement in question, though it is sought to be canvassed that the applicants acted from behind the curtain, there is no material to show their involvement in the crime in question being employees of John Distilleries. John Distilleries is admittedly not having any agreement with the complainant for supply of denatured spirit and in view thereof, the claim of the prosecution that the applicants are prima facie involved being employees of John Distilleries is required to be rejected.

6. In my view, the applicants being employees are hardly required to be called for custodial interrogation. Hence, application is allowed.

7. In view thereof, in the event of arrest, the applicants be released on P.R. Bond of Rs. 50,000 (Rupees Fifty Thousand only)

each with one or two sureties in the like amount.

8. The applicants to attend Park Site Police Station, Vikroli on 7th, 14th and 28th December, 2016 between 10.00 a.m. to 12 noon and thereafter as and when called.

9. The applicants not to tamper with the evidence and/or influence the witnesses, in any manner whatsoever.

(N. W. SAMBRE, J.)