Amk

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 2379 OF 2016

Rupesh Shashikant Rane .. Applicant
Vs.
The State of Maharashtra .. Respondent

Mrs. Sonal Parab for the Applicant.
Mrs. J. S. Lohokare, APP for the State.

CORAM : N. W. SAMBRE, J.
DATE : 30th NOVEMBER, 2016.

P. C. :

1. The applicant is seeking regular bail in Crime No. 125 of 2016 registered with Parkside Police Station, Mumbai for the offences punishable under Sections 420, 408, 465, 467, 468, 471 read with Section 34 of the Indian Penal Code and Section 66 (c) and (d) of the Information and Technology Act, 2000.

2. It is claimed that the offence took place in between April, 2015 to 09.02.2016 which, according to applicant, was the last date to serve with the complainant-company. According to the applicant, the prosecution then alleged that the applicant while working with the complainant company claimed to have forged certain documents in the SAP System which has resulted into practicing fraud to the tune of

Rs.3,18,74,505/-. It is claimed that the applicant by forging invoices, bills etc. transferred the amount to his own company, namely, Biofarm.

3. Upon perusal of the FIR, it is also claimed that another co-accused, by named, Vyankatrai Manunath Kundawa is also involved in the crime in question with whose aid the applicant has given effect to the crime.

4. While trying to make out case for bail, learned counsel for the applicant submits that the applicant is falsely implicated so as to prevent him from joining the competitive company as the complainant was on notice period before his resignation. The next submission is that the other co-accused is already released on pre-arrest bail and further detention of the applicant is not warranted as his permanent place of stay and employment is Mumbai and there are no criminal antecedents.

5. Learned APP submits that the investigation is almost complete and the charge-sheet in the matter will be filed within fortnight. It is further claimed that there is, prima facie, material on record to infer the involvement of the applicant in the crime in question and as such if the applicant is released, he may tamper with the evidence.

6. Having considered the submission, it is required to be noted

that the investigation, particularly, the custodial interrogation as against the applicant is already over. The other co-accused is already released on anticipatory bail. There are no criminal antecedent and the documents which were formed to be the basis for connecting the implication of the applicant in the crime in question are also in the custody of the Investigating Agency.

7. As the solemn statement is made that the applicant will be in Mumbai and will be available for the investigation and prosecution, in my opinion, the case for grant of bail is made out.

8. The applicant is ordered to be released on P.R. Bond of Rs.1 lakh with one or two sureties in the like amount. The applicant shall attend the trial regularly. Two consecutive absence before the learned Sessions Judge will entail him to proceed with the cancellation of bail, if so required. The applicant shall not tamper with the prosecution evidence and influence the witnesses.

9. The Bail Application is, accordingly, disposed of.

10. At this stage upon an undertaking from the learned counsel for the applicant on instructions that the applicant shall initially furnish cash bail and he be granted time of six weeks to furnish sureties. The undertaking is accepted.

11. The applicant shall be initially released on executing cash bail. The applicant shall furnish sureties as ordered with within eight weeks from the date of his release. If the order is violated, the bail shall stand cancelled automatically.

[N. W. SAMBRE, J.]