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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION No.1825 of 2015

Arthur Patrick Casserly	..Applicant.
Vs.	
State of Maharashtra	..Respondent.

Ms Kranti S.Anand, Advocate for the applicant.
Smt. S.S.Kaushik, APP for the Respondent-State.
P.S.I. Mete, Sahar Police Station present.

CORAM : A.S.GADKARI, J.
DATE : 10th October, 2016

P.C.

1) The applicant has been granted interim relief by an order dated 17/12/2015. The reasons for granting interim relief have been mentioned in the said order. It is the prosecution case that the applicant being the Chief Operating Officer of M/s Cambata Aviation Private Limited was allowed, for deducting the requisite amount from the salary of the employees and was liable to deposit the same with the Cambata Employees Co-operative Credit Society Limited formed by the employees of the said establishment. It is the prosecution case that the said Cambata Aviation Private Limited of which the applicant is the Chief Operating Officer did not deposit an approximately

amount of Rs.5 Crores in the said Credit Co-operative Society despite its deduction from the salary of the employees. The present application was adjourned from time to time thereby granting an opportunity to the representatives/employees of the Credit Co-operative Society to settle the matter with the said company out of Court. It prima facie appears that the said Credit Co-operative Society now wants to settle all their allied monetary disputes with the Company in the present application which according to me is not permissible. The specific allegation against the applicant in the first information report is that, the applicant did not deposit Rs.5 Crores in the account of the Credit Society. The learned counsel for the applicant, on instructions, submitted that in view of the earlier negotiations which took place between the applicant and the members of the Credit Co-operative Society, the said Cambata Aviation Private Limited through the applicant, as of today has deposited Rs. 5,40,00,000/-. The said Cambata Aviation Company through the applicant as of today has deposited an amount of Rs.5,40,00,000/- with the said credit society. The learned APP, on instructions, from the Investigating Officer conceded to the said factual position.

2) As the applicant has deposited the said amount in the

account of the aforesaid Credit Society, according to me custodial interrogation of the applicant is not necessary coupled with the fact that the investigation of the present crime is entirely based on documents which are already in the possession of the investigating agency, the custodial interrogation of the applicant is not necessary.

3) In view of the above, the interim relief granted by an order dated 17/12/2015 is hereby confirmed.

4) The passport of the applicant shall remain with the custody of the investigating officer and/or the concerned police station till completion of the investigation.

The application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)