

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 22 OF 2017

Mr. Praful Ganesh Sakpal	...	Applicant
Vs.		
The State of Maharashtra	...	Respondent

Mr.Rohan H. Barge, Advocate for the applicant.

Mrs. Veera Shinde, APP, for the State.

Mr.Ghadge, MIDC P.S. Mumbai, present.

CORAM: SMT.SADHANA S.JADHAV, J.
DATE : 16th March, 2017.

P.C.

Heard. This is an application under Section 439 of Cr.P.C. The applicant herein is arrested on 15.10.2016 in Crime No.161 of 2016 registered at MIDC Police Station. The investigation is completed and charge-sheet is filed under Sections 420, 406 of the Indian Penal Code.

2. It is the case of the prosecution that on 21.3.2016, Abhinav Mathur lodged a report at the police station alleging therein that he is working as Finance Controller in NSI Infinite Global Pvt.Ltd. The applicant herein happens to be one of the directors of J.H.P Fortune Projects & Hospitality Co. Another director is the brother of the present applicant. That the company of the applicant had placed a purchase order with the complainant's company for four I-Phone 6 and 1 I-Phone 6 Plus On

22.6.2015, the orders were fulfilled. On 25.6.2015, the complainant's company had sent an invoice through e-mail. On 16.6.2015, the complainant's company had received an e-mail informing them that the money has been sent and had also given the number of money transfer. It is the allegation that in fact no such money was transferred and the applicant's company continued to evade payment for the said projects. They had also given a cheque number which was received by the complainant's company. It appears from the records that the e-mail was sent by Pravin Sakpal, who happens to be the brother of the applicant. The name of the applicant does not appear in the first information report.

3. The learned counsel for the applicant makes a statement that Pravain Sakpal has been enlarged on bail by the Court of Magistrate. Hence, by virtue of the doctrine of parity, the applicant would be entitled to be enlarged on bail as he is being prosecuted only because he happens to be a director of the company.

4. Taking into consideration the material collected in the course of investigation and the submissions advanced across the bar, coupled with the fact that Pravin Sakpal has been enlarged on bail by the Court of Magistrate, this Court is inclined to grant bail. However, it is made clear that the observations herein are restricted to an application under Section

439 of Cr.P.C. and shall not be taken into consideration for the purpose of quashing of FIR, discharge application or at the time of trial.

ORDER

- (i) The application is allowed.
- (ii) The applicant be enlarged on bail on furnishing P.R.Bond in the sum of Rs.25,000/- and one or more local solvent sureties in the like amount.
- (iii) The applicant shall report to the concerned police station on first Sunday of each month till framing of charge.

Application stands disposed of.

(SMT. SADHANA S.JADHAV, J.)