IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.323 OF 2017

Shri Manohar Piraji Mandpale ... Applicant

Vs.

The State of Maharashtra … Respondent

Ms.Manjiri S. Parasnis for the Applicant
Mr.Deepak Thakre, APP, for Respondent – State

CORAM: Mrs.MRIDULA BHATKAR, J.
DATED: MARCH 14, 2017

P.C. :

1. This application is filed by the applicant/accused for pre-arrest bail as the applicant/accused apprehends arrest in C.R. No.187 of 2014 registered with Waraje Malwadi Police Station, District Pune, for the offences punishable under sections 420, 406, 407 r/w section 34 of the Indian Penal Code. The complaint was filed on 12.6.2014 by one Shri Ashutosh Sadashiv Kulkarni, a resident of Karve Nagar, Pune. The complainant is an Engineer and running a company namely, Akrit Engineering Pvt. Ltd. The co-accused Sharad Vyankatesh Kulkarni, Pramod Balkrushna Chavan and Prasad Valvekar inducedhim to invest money in their fruits and vegetable business as they all are running a firm under

the name Sai Exports. So, he invested a total amount of Rs.86 lakhs. In the year 2012, he received Rs.10,50,000/- towards interest. However, thereafter, the co-accused did not pay any amount to him, so, he demanded his capital amount of Rs.86 lakhs. Then, the co-accused informed him that they have invested the amount and the vegetables and fruits were supplied through a firm by name Shree Sai Exports which is owned by the applicant/accused Manohar Piraji Padpale and the fruits and vegetables were exported to a trader by name Mohammed Khalid Bava, a resident of Dubai, who owns a company by name M/s.Khalid Vegetable and Fruits and Foodstuff Trading companies. The complainant made further enquiry and he found that alongwith him, nearly 16 persons had invested an amount of Rs.3,63,50,000/- in Sai Exports. He got the e-mail id of one Mohammed Khalid Bava and he emailed him. At that time, Mohammed Khalid Bava acknowledged the supply of fruits and vegetables and also informed that he had to pay US$ 1226238 to Shree Sai Exports owned by the applicant/accused. To that effect, a statement was mailed to the complainant by the co-accused Sharad Kulkarni. When he contacted Mohammed Khalid Bava on his cellphone, he denied about such acknowledgement or sending any such mail or statement on his letterhead. Thus, the complainant realised that he was cheated by the applicant/accused and the co-accused and as per the complaint, the complainant and the other persons were cheated to the tune of Rs.4,49,50,000/-.

2. The learned Counsel for the applicant/accused has submitted that the applicant/accused is innocent and he has no connection with the other accused, who are partners in one Sai Exports. The applicant/accused submitted that he owns a proprietary firm namely, Sai Exports. The partners of Sai Exports i.e., the co-accused, used to purchase the vegetables and fruits and, therefore, the applicant/accused knew the co-accused. However, it appears that the co-accused had misused the name of proprietary concern of the applicant/accused. The learned Counsel for the applicant/accused has submitted that after coming across such fraud played by the co-accused, the applicant/accused immediately on 2.11.2013 gave public notice and declared that he was not responsible for any transaction of the firm of the co-accused. She further pointed out that on 31.10.2013, the applicant/accused sent a letter to the Superintendent of Police,

Sangli, that the partners of Sai Exports, Pune, cheated the other persons.

3. Learned Prosecutor has opposed the application and submitted that the applicant/accused is involved in this fraud. He submitted that the police have checked the bank record of M/s.Khalid Vegetable and Fruits and Foodstuff Trading companies and it shows that there are transactions from that account to the account of Shree Sai Exports. He further submitted that the applicant/accused has allowed the co-accused to use his transport licence. It is further submitted that the co-accused Pramod Balkrishna Chavan has transferred Rs.8,90,000/- to the account of the applicant/accused. He further pointed out that there is a forgery of the e-mail in the name of Mohammed Khalid Bava. The police wants to seize the original documents of all the letterheads of Khalid Bava, which is a bogus letterhead. He further submitted that the applicant/accused was absconding since 2014. The police have visited his residential house and also in Karnataka where his wife resides, however, he is not found and, therefore, the police could not file chargesheet.

4. Perused the FIR, the documents produced herewith. The firms i.e., Sai Exports and the proprietary concern owned by the applicant/accused Shree Sai Exports, are running the same business of export of fruits, vegetables and food stuff. After going through the complaint and considering the submissions of the learned Counsel for the applicant/accused and the learned Prosecutor, I am of the view that, *prima facie*, there is evidence to show that the applicant/accused is involved in this fraud. The complainant and the other persons have invested huge amount of Rs.4.5 crores in this business. The custody of the applicant/accused is necessary for an effective investigation.

5. In the circumstances, the pre-arrest Bail Application is rejected.

(MRIDULA BHATKAR, J.)