IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPTORY BAIL APPLICATION NO. 497 OF 2017

Sanjaysingh Arvind Kumar Singh ...Applicant
Versus
State of Maharashtra ...Respondent

Mr. Hassnain Kaazi Sayyed for the Applicant

Mr. Sooraj S. Hulke, A.P.P for the Respondent-State

Mr. Vitthal Babasaheb Badhe, PSI from Pimpri Police Station, Pune, is present.

CORAM : REVATI MOHITE DERE, J.
TUESDAY, 4th APRIL, 2017

P.C.

1. Heard learned Counsel for the applicant and the learned A.P.P for the State.

2. By this application, the applicant seeks pre-arrest bail in connection with C.R. No. 572 of 2016 registered with the Pimpri Police Station, Pune, for the alleged offences punishable under Sections 408 r/w 34 of the Indian Penal Code.

3. Learned Counsel for the applicant submitted that the applicant is the brother-in-law of the accused Mukesh Kumar Sharma and that he has been falsely implicated in the said case. He further submitted that the applicant was appointed as a Driver by the complainant in his Company Success Enterprises, Security Agency. He submitted that the applicant was receiving salary from Success Enterprises and had no connection with the alleged fraud with regard to the withdrawal of PPF amount.

4. Learned A.P.P opposed the bail application. He has tendered certain documents to show the complicity of the applicant.

5. Perused the papers. According to the complainant Isaac Sattar Sayyed, since he was unwell and was suffering from various illnesses, he had entrusted the entire office work to the applicant's brother-in-law Mukesh Kumar Sharma (accused No.1). He has stated that Mukesh Kumar Sharma was looking after the financial dealings, accounts and all documents of the said Company. He has further stated that when he asked Mukesh Kumar Sharma to give the details of accounts and balance-sheet, he started avoiding handing over the said details/documents. According to

the complainant, some time in June, 2016, the Security Guards working in his Company started demanding salary. He has stated that he disclosed to the said persons that he had handed over the money to Mukesh Kumar Sharma and that he would hand over their salary. He has further stated that he called Mukesh Kumar Sharma and asked him why he has not distributed payments/salary, however, Mukesh Kumar Sharma started giving evasive answers. Thereafter, the complainant learnt that accused No. 1 Mukesh Kumar Sharma and the applicant were removing the PPF amounts from the accounts of the Security Guards. The said persons were also showing non-existing security guards and were withdrawing salaries and were utilizing the said amounts for their benefit. The fraud with regard to the PPF amount was to the tune of Rs. 12 lakhs. It appears from the papers of investigation that there is some substance in the allegations made by the complainant, inasmuch as, if the applicant was employed with Success Enterprises, there was no question of the applicant drawing salary from Modern Enterprises. Modern Enterprises was a client of Success Enterprises. Admittedly, even according to the applicant, he was working with Success Enterprises and not with Modern Enterprises. The account statement of Modern Enterprises clearly shows that amounts were being diverted by the applicant from Modern Enterprises to the applicant-Sanjay Singh's account. The PPF account statement also shows that an amount of Rs. 41,000/- has been diverted to the applicant's account.

6. Considering the nature of allegations and the material *qua* the applicant, this is not a fit case to grant pre-arrest bail to the applicant. Accordingly, the application is rejected.

REVATI MOHITE DERE, J.