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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.681 OF 2017

Mukesh Kumar Singh alias Sharma .Applicant

Vs.

The State of Maharashtra .Respondent

Ms Saina Ansari i/b. Mr.H.K.Sayyed, Advocate, for the Applicant
Mr.S.S.Hulke, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 03.05.2017

P.C.

. Heard learned counsel for the parties.

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 has been falsely implicated in the said case. She submits that the Applicant was only working as a supervisor in the Complainant's Company i. e. Success Enterprises, Security Agency. She submitted that the Applicant had no concern with

the fraud and withdrawal of the PPF amount.

4. Learned APP opposes the Application. He submitted that this Court (CORAM : REVATI MOHITE DERE, J.) has rejected the Anticipatory Bail Application preferred by co-accused - Sanjaysingh, the brother-in-law of the Applicant. He submits that the Applicant is one of the main accused, who is responsible for the fraud.

5. Perused the papers.

6. According to the Complainant – Issac Sattar Sayyed, as he was unwell and was suffering from various illnesses, he had entrusted the entire office work to the Applicant. He has alleged that the present Applicant was looking after the financial dealings, accounts and had custody of documents of the said Company - Success Enterprises, Security Agency. According to the Complainant, when he asked the Applicant to give the details of accounts and balance-sheet, he started avoiding handing over the said details/documents. The Complainant has further alleged that 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 the Applicant and that he would pay them their salary. He has further stated that he called the Applicant and asked him why he had not disbursed payments/salary to the employees, however, the Applicant gave evasive replies. Thereafter, the Complainant learnt that the Applicant and co-accused - Sanjaysingh were withdrawing the PPF amounts from the accounts of the Security Guards. The said persons were also showing non-existing security guards and were withdrawing salaries from their accounts and were utilizing the said amounts for their benefit. The fraud with regard to the PPF amount was to the tune of Rs.12,00,000/-. From a perusal of the papers of investigation, it is apparent that the Applicant was involved in the said fraud. There are statements of staff to show the complicity of the Applicant. This Court vide Order dated 04.04.2017 passed in ABA No.497 of 2017 has rejected the Application of co-accused – Sanjaysingh, brother-in-law of the Applicant, in whose account several amounts were also diverted.

7. Considering the nature of allegations and the material qua them, this is not a fit case to grant pre-arrest bail to the Applicant. Custodial interrogation of the Applicant is necessary.

8. Accordingly, the Application is rejected. If an Application for regular bail is filed by the Applicant, the learned trial Judge shall consider the same on its own merits uninfluenced by the observations made in this order.

(REVATI MOHITE DERE, J.)