

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRI. ANTICIPATORY BAIL APPLICATION NO. 901 OF 2017

1) Jason C. Nadar
2) Mayur Doshi .. Applicants

Vs.
The State of Maharashtra .. Respondent

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Ms. Rajeshree V. Newten i/b. Ms. Ratna Jaiswal, Advocate for the
Applicant.
Mr. Deepak Thakare, APP for the Respondent – State.
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CORAM : PRAKASH D. NAIK, J.

DATED : JUNE 9, 2017.

P.C. :

This is an application for anticipatory bail in connection with C.R.No.137 of 2017 registered with MIDC Police Station, Mumbai for the offences punishable under Section 406, 408 and 420 read with 34 of the IPC.

2 The prosecution case is that the applicants were employed with the complainant company. It is alleged that one of the customer had handed over cash amount to the applicants which was not credited by them in the account of the company.

The applicants preferred an application for anticipatory bail before the Sessions Court.

2 Learned advocate for the applicant submitted that there is no evidence to substantiate the allegations that the applicants had collected the cash amount. She submitted that all the transactions in relation to the sale of the company were conducted on line and therefore the question of accepting the cash amount does not arise. Learned advocate appearing for the applicants stated that the prosecution is relying on the statement of one of the customer who stated that the cash amount towards the consideration was deposited with the applicants.

3 In view of the aforesaid circumstances, custodial interrogation is not necessary. I, therefore, pass the following order:

:: ORDER ::

- (i) Anticipatory bail application is allowed;
- (ii) Interim order dated 24th May, 2017 is hereby confirmed;
- (iii) It is clarified that FIR is registered vide C.R.No.137 of 2017 and not 136 of 2017, as reflected in interim order dated 24th May, 2017;

- (iv) Anticipatory Bail Application is disposed of accordingly.

(PRAKASH D. NAIK, J.)