IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1199 OF 2016

Mr. Sandip Indrajit Tiwari ... Applicant
Vs.
The State of Maharashtra … Respondent

Mr. Amin Solkar i/b. Mr. Harinath R. Sharma,Advocate for the applicant.
Mrs. P.P.Shinde,APP, for the State.
Mr. Nityanand Ubale, PSI, Andheri Police Station present.

CORAM: SMT.SADHANA S.JADHAV, J.
DATE : 3rd February, 2017.

P.C.

Heard. This is an application under Section 439 of Cr.P.C. The applicant herein is arrested on 7.1.2016 in Crime No.325 of 2015 registered at Andheri Police Station. The investigation is concluded and charge-sheet is filed against the accused on 3.3.2016 for the offences punishable under Sections 420, 407, 465, 471, 120B read with Section 34 of the Indian Penal Code.

2. It is the case of the prosecution that on 27.6.2015, Pratap Shinde working with Gufic Bio-Sciences Ltd. lodged a report at the police station alleging therein that the present applicant herein was working an Assistant Manager, (Bulk Drug Marketing) since November 2010. It was his duty to receive orders for the bulk drugs, fulfill orders and then collect bills. It is alleged that in 2012, while auditing accounts of the said company, it was revealed that they had suffered loss worth

Rs.2,71,51,000/-. Upon further enquiry, it was revealed that the applicant used to take cheque payments from the purchasers of the drugs and had deposited the said cheques in Mehek Enterprises. Mehek Enterprises and Armani Enterprises are owned by the cousin of the present applicant i.e. co-accused – Chandramani Tiwari. In the course of investigation, it was also revealed that all the purchasers had categorically stated that it was at the behest of the applicant that the cheques were issued in the name of Mehek Pharmaceutical, Mehek Enterprises and Armani Enterprises. On the basis of the said report, Crime No.325 of 2015 was registered. The first informant has given the details of the payments which were not received by Gufic Bio-Sciences Ltd. the amount was deposited directly in the name of Mehek Enterprises, Armani Enterprises, etc.

3. The co-accused Chandramani Tiwari has been enlarged on bail. There was a memorandum of understanding between the company of the complainant and Chandramani Tiwari. He had also agreed to repay the amount. He has issued cheques which, according to the learned counsel for the applicant, are dishonoured and proceedings under Section 138 of the Negotiable Instruments Act are pending. It appears that there are arbitration proceedings between the co-accused Chandramani Tiwari and the complainant company. Upon perusal of the compilation of the charge-

sheet, more particularly the statements of the witnesses, who happened to be the purchasers of the bulk drugs from the complainant company. it is more than clear tha the applicant herein has indulged into cheating and fabrication of documents.

4. The learned counsel for the applicant has vehemently submitted that there is no material on record to indicate that the orders were placed with the complainant company, they were to be fulfilled through the present applicant or that he was instrumental in depositing the amounts in the accounts of Mehek Enterprises and Armani Enterprises. It is pertinent to note that it is not denied by the applicant that he was working as Assistant Manager (Bulk Drug Marketing) with the complainant company. It was only after two years that in the course of audit, the complainant had realized that the transactions are not fair transactions and they have suffered huge loss. It is in these circumstances that the applicant does not deserve to be enlarged on bail. However, the learned Magistrate seized with C.C. No.759/PW/2016 is requested to expedite the trial and as far as possible conclude the recording of evidence within six months from the date of framing of charge.

Application stands dismissed.

(SMT. SADHANA S.JADHAV, J.)