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

ANTICIPATORY BAIL APPLICATION NO.1197 OF 2017

Rajaguru Barathithasan	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr.M.K.Kocharekar, for the Applicant

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

API – S.B.Nikam, Nerul Police Station, Navi Mumbai.

CORAM : REVATI MOHITE DERE, J.
DATE : 19th JULY, 2017

P.C. :

1. Heard learned Counsel for the parties.
2. By this application, the applicant seeks pre-arrest bail in connection with C.R. No. 32 of 2017 registered with the Nerul Police Station, Navi Mumbai, for the alleged offences punishable under Sections 420, 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. He submits that the dispute, if any, is a commercial dispute/civil dispute. He submitted that the co-accused – M.Janarthanan's father has paid a sum of Rs.9,50,000/- to the complainant. He submits that the applicant has no role to play in any of the transactions.

4. Perused the papers. The complaint is lodged by Suhas S. Karkhanis on behalf of M/s.Lab Guard India Private Limited. The said company i.e. M/s.Lab Guard India Private Limited was doing business of manufacturing and selling lab furniture and fume hood, required for chemical and pharmaceutical companies. The said materials were sold by the complainant company directly through intermediate companies and dealers as per their orders. The co-accused – M.Janarthanan, was appointed by the complainant company on 27th February, 2012 as a Regional Manager (Business Development) for South Region. Mr. Janarthanan was assigned with the job of sales and distribution in South Region. As per Clause 5 of the appointment letter dated 27th February, 2012, Mr. Janarthanan could not work with any other company and that he could not keep relations with any other company having the same nature of business.

On 20th October, 2015, Mr. Janarthanan was promoted as Sales Head for South Zone and on 10th August, 2016, he was promoted as National Head, Sales and Marketing. Mr. Janarthanan was known to all the dealers and was responsible for the sales.

5. Sometime in 2015, the complainant company started selling manufactured materials to Labo Arc Engineering and Design Private Limited and the said company i.e. Labo Arc Engineering and Design Private Limited had purchased goods worth approx. Rs.3 to 4 lakhs from the complainant company and had paid monies to the complainant company well in time. The dispute pertains to a transaction dated 11th August, 2016, between Labo Arc Engineering and Design Private Limited and the complainant company. It appears that co-accused -Mr. Janarthanan was also a Director of the said Labo Arc Engineering and Design Private Limited alongwith the present applicant. It appears that Labo Arc Engineering and Design Private Limited had ordered material worth Rs.21 lakhs odd for selling the same to Bio Needs India Private Limited. The complainant company accepted the order and delivered the same to Bio Needs India Private Limited. It appears that Bio Needs India Private

Limited, paid the amounts to Labo Arc Engineering and Design Private Limited, but, Labo Arc Engineering and Design Private Limited, failed to pay the complainant company. Pursuant thereto, there was a dispute between the parties. According to the complainant, they took search of ROC details and found on the ROC Website, the details of Labo Arc Engineering and Design Private Limited. They learnt that their employee - Mr. Janarthanan and the present applicant were the directors of the said Labo Arc Engineering and Design Private Limited and that Mr. Janarthanan had violated the terms of the appointment letter and had sold the material to Bio Needs India Private Limited. It is alleged by the complainant, that Bio Needs India Private Limited had paid to Labo Arc Engineering and Design Private Limited, however, the said money was not forwarded by the said company to the complainant company and hence the complaint. It is informed that Mr.M.Janarthanan's father has paid a sum of Rs.9,50,000/- to the complainant company.

6. Learned APP states that Bio Needs India Private Limited had made payment of Rs.20 lakhs to Labo Arc Engineering and Design Private Limited, however, Labo Arc Engineering and Design Private Limited, had

not forwarded the same to the complainant company.

7. Be that as it may, *prima facie*, it appears that the dispute is a commercial dispute and that the allegations are essentially as against M.Janarthanan. In the peculiar facts of this case, custodial interrogation of the applicant is not necessary. Accordingly the application is allowed and the applicant is granted pre-arrest bail on the following terms and conditions:-

ORDER

(i) In the event of the arrest, the applicant be enlarged on bail on executing P.R. Bond in the sum of Rs.15,000/- with one or two sureties in the like amount ;

(ii) The applicant shall report to the Investigating Officer of the concerned Police Station as and when called, till the filing of the charge-sheet or for a period of three months from today, whichever is earlier.

8. The Application is allowed in the aforesaid terms and is accordingly disposed of.
9. It is made clear that the observations made herein are *prima facie* and are confined to this application.
10. All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)