

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

ANTICIPATORY BAIL APPLICATION NO.1429 OF 2017

Vaibhav S/o Govind Kakirde Applicant
vs
State of Maharashtra .. Respondent

Mr.Rahul Dharmadhikari Advocate I.b
Mr.Piyush Pande for Applicant
Mr.S.H.Yadav Additional Public Prosecutor
for State - Respondent

***CORAM : T.V.NALAWADE, J
DATE: 22 AUGUST 2017***

P.C.

1. This Application is filed for anticipatory bail in C.R.No.101 of 2017 registered in Panvel Town Police Station for offences punishable under sections 406,408,420, read with 34 of the IPC.

2. A case is already filed in the Court of the Judicial Magistrate, First Class, Panvel for the aforesaid offences and in the case the present Applicant is shown as an absconding accused.

3. Both sides are heard. The papers of investigation are made available for the perusal of the Court.

4. A crime is registered on the basis of a report given by one Jignesh Babubhai Sardhara who is working in Kesari Forex Private Ltd as an Assistant Manager. The present Applicant was working in the same office in the past. Allegations are made that for supplying foreign exchange to foreigners, the foreign exchange worth Rs.13,00,000/- was handed over to Mahendra Patil who was working with this office. He was expected to supply the foreign exchange to the tourists and deposit the Indian currency with the accounts of the office. He did not deposit the money and he handed over the cheques issued and signed on the account of one Yogesh Shirsat. These cheques bounced. The inquiry revealed that foreign exchange was actually handed over to the present Applicant as he was in the same business. At his instance, cheques were given. There is an allegation against the present Applicant that he joined hands with Mahendra Patil to misappropriate the moneys of the office.

5. The learned counsel for the Applicant submitted that in the year January 2017 a job was offered to the present Applicant by the same office and that would not have been done if they had doubt about his work. The FIR was given on 10.3.2017. It can be said that the currency was given in the month of February 2017 and so the offer given in January 2017 which is in favour of the Applicant cannot be a circumstance in favour of applicant.

6. The amount misappropriated is not yet recovered. Mahendra Krishna Patil and Yogesh Shirsat are also arrested. The present Applicant was not available and he is shown an absconding accused. In such cases, custodial interrogation is a must. The stolen property is to be recovered. This Court holds that the discretionary relief cannot be granted in favour of the present Applicant.

7. Application stands rejected.

(T.V.NALAWADE, J)

Rng

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