

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 1895 OF 2016

1. Rahul Jagannath Joshi		
2. Ravi Bhagaji Kharmale	...	Applicants
Vs.		
The State of Maharashtra	...	Respondent

Mr. Vijay Kantharia i/b. Mr. Shailesh I. Kantharia, Advocate for the applicants.

Mr. S.H. Jadhav, APP for the State.

Mr. Pratap Giri, P.S.I., Mundwa Police Station, Pune city present.

CORAM: **MRS.MRIDULA BHATKAR, J.**
DATE: **24th January, 2017.**

P.C.:

This Application is moved for anticipatory bail, as the applicants/accused are prosecuted for the offences punishable under sections 420, 406 r/w. 34 of Indian Penal Code in C.R. No. 205 of 2016 registered with Mundhawa Police Station, Pune at the instance of Pawankumar Motilal Garg on 23rd September, 2016.

2. It is the case of the complainant that the company of the complainant have accepted the tenders of the company Star Galaxy Impex Private Ltd. of the applicant/accused for importing the goods, i.e., heavy melting steel scrap. On 7th June, 2013 the company of the complainant have placed the order for purchase of 531.170 metric tons material and it was transported through the company of the

applicants/accused in the containers. When the containers reached to Mumbai Port, it was noticed that 65.27 metric ton materials were less, which valued Rs.18,89,149/-. Though the company of the complainant communicated this fact to Star Galaxy Impex Private Ltd., they ignored the same and did not get any communication from the company of the applicants/accused, therefore, the complainant approached the police and lodged the complaint against them.

3. The learned counsel for the applicants/accused relied on the interim order passed by this Court on 27th October, 2016. He submitted that the applicants/accused are ready to furnish the bank guarantee of 50% of the amount which may be considered.

4. Learned APP while opposing this Anticipatory Bail Application has relied on the email where according to the learned APP, the liability is accepted by the company of the applicants/accused.

5. I have perused the order dated 27th October, 2016 passed by this Court in which this Court has expressed that the applicants/accused may consider to deposit the disputed amount as mentioned in Criminal case in the court. In view of the said order and as it is expressed by the learned counsel for the applicants/accused and considering the nature of the

transaction, I accept the statement made by the learned counsel for the applicants/accused, however, the bank guarantee is to be given for Rs.10 lakhs. This is accepted by the learned counsel for the applicants/accused on taking instructions from the applicants/accused, who is present in the Court. Hence, I allow this Application. I confirm the order of interim pre-arrest bail granted to the applicants/accused with same bail bond and surety on the following conditions:

- (i) The applicants/accused shall furnish bank guarantee of Rs.5,00,000/- each on or before 16th February, 2017 in the High Court and the amount shall remain with this Court till the final disposal of the case.
- (ii) The applicants shall not commit any other offence;
- (iii) The applicants are directed to submit the photocopy of the bank guarantee to the concerned Investigating officer;
- (iv) In the event of breach of any of the above conditions, the prosecution will be at liberty to move the Court for cancellation of anticipatory bail.

6. The Application for Anticipatory bail stands disposed of on above terms.

(MRIDULA BHATKAR, J.)