Nalawade

FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1079 OF 2018
Dilip Jayantilal Shah vs. State of Maharashtra

Office Notes, Office Memorandam of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders

Mr. Kamlesh Gujar for the Applicant.
Smt.A.A.Takalkar, APP for the Respondent-State.

CORAM : A.S.GADKARI, J.
DATE : 6th June, 2018

P.C.

1. The applicant is apprehending arrest in CR No.165/2013 dated 30.7.2013 registered with M.R.A. Marg, Police Station, Mumbai under Sections 406, 420, 120B read with 34 of the Indian Penal Code.

2. Heard Mr. Gujar, learned counsel appearing for the applicant and the learned APP. for the State. Perused the record.

3. The first information report is lodged by Shri. Adil Anwar Shaikh, Corporate Sales Manager employed with Akbarallys Departmental Stores. The prosecution case in

brief is that, the Accountant of the Akbarallys Departmental Stores received a phone call from M/s. Ashapura Trading Company informing Akbaralleys Stores that they are interested in purchasing bulk quantity of gift vouchers and therefore, representative of Akbaralleys had been to the said Ashapura Trading Company. After due deliberation the said Ashapura Trading Company through its Directors placed bulk quantity order for gift vouchers to the tune of approximately Rs.30,00,000/-. As the said Akbaralleys did not receive the payment for the said gift vouchers they enquired with other similar entities in the market and realized that the said Ashapura Trading Company has duped the payments of various other companies by adopting similar modus operandi. In the premise, the first information report is lodged against M/s. Ashapura Trading Company. In all 31 accused persons have been named in the first information report. It is further stated that M/s. Nahar Developers Private Ltd. and M/s. Apana Barter have also adopted similar modus operandi and have duped various business entities totallying to the sum of Rs.40,00,000/-.

4. The record indicates that the name of the applicant is surfaced during the custodial interrogation of accused No.5 Satish Gandhi who revealed that he is having acquaintance with the applicant and the applicant is acting as an commission agent. That, the applicant is instrumental in registering the Companies wherein the accused No.5 is a Director, with the Registrar of Companies. The custody of the applicant is being sought by the Investigating agency in pursuance of the said statement made by the co- accused Satish Gandhi. As stated herein above, the crime in question for which the investigation is being carried out proceeds on the allegation that the Directors of the said three companies by placing bulk quantity orders with Akbaralleys and other business entities accepted goods and did not pay the amount. Therefore, the offence under Section 406, 420 read with 120B has been registered which is under investigation.

5. After perusing the record and after taking into consideration the statement of the co-accused Satish

Gandhi, this Court is of the considered view that, the custody of the applicant is being sought only to lower down his prestige in the society and to humiliate him. In view of the guidelines issued by the Supreme Court in the case of Siddharam S. Mhetre vs. State of Maharashtra and ors. reported in AIR 2011 Supreme Court 312 the applicant is entitled to be protected by pre-arrest bail.

Hence, the following order.

a) In the event of arrest in CR No.165/2013 dated 30.7.2013 registered with M.R.A. Marg, Police Station, Mumbai, the applicant shall be released on bail on his furnishing PR bond of Rs.25,000/-with one or two solvent local sureties in the like amount.

b) The applicant shall not tamper with the evidence and or pressurize the prosecution witnesses.

c) Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)