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

**ANTICIPATORY BAIL APPLICATION NO. 2098 OF 2018
WITH
CRIMINAL APPLICATION NO. 1459 OF 2018**

KBV Narayan @ Kalepalli Bapu
Venkata Narayan

....Applicant

Vs.

The State of Maharashtra

....Respondent

Mr. M. S. Mohite a/w Mr. K. S. Wardhan I/b Mr. T. N. Tripathi & Co.
Advocate for the applicant

Mr. S. R. Agarkar APP for the State.

Mr. B. R. Garande, PI, BKC Police Station

CORAM : PRAKASH D. NAIK, J.

DATED : 21st DECEMBER, 2018

P.C.

This is an application for anticipatory bail in crime no. 89 of 2014 registered with BKC Police Station, Bandra for offence punishable under sections 409, 420, 465, 467, 468, 471, 477 (A), 120 (B), 107 of the Indian Penal Code and Section 66 (A) and 66 (D) of the Information Technology Act.

2 Applicant is working in Nigeria. He was a Chief Financial Officer/Director of Regional Airport-Holdings International Limited from 06/04/2011 to 29/12/2011. Thereafter he was nominated as director of the company from 25/07/2011 to 29/12/2011. He resigned as a director and went abroad and since then he is employed with Foreign Company. Applicant is Chartered Accountant having experience of 41 years in Public Sector Undertaking. By order dated 22/10/2018, applicant was granted interim protection and he was permitted to return to India on 19/11/2018 and report to Investigating Officer of BKC Police Station, Bandra on 21/11/2018 and 22/11/2018.

3 In pursuance to the said order, applicant has come to India and has also complied the directions as stated in the aforesaid order. Several other accused are either granted anticipatory bail or regular bail. The orders are placed on record. Charge-sheet is already filed against the applicant.

4 The learned Advocate for the applicant submits that in accordance with aforesaid order, applicant has come to India for a

temporary period. He is required to return back to Nigeria. The employer has granted time to report for work which has expired. In the event, applicant does not report to his job, he would loose his employment. Applicant has preferred application no. 1459 of 2018 seeking permission to return to Nigeria. He has annexed requisite documents in support of his submission that he is required to return to Nigeria immediately.

5 The learned APP submits that charge-sheet is already filed against the applicant and he should make appropriate application before the Trial Court seeking permission to go abroad.

6 Considering the factual matrix, application for anticipatory bail can be allowed. Custodial interrogation of applicant is not necessary. Since the charge-sheet is filed and the application for anticipatory bail is being allowed, it would be appropriate that the applicant executes bail bonds in accordance with this order and prefers appropriate application seeking permission to return to Nigeria before the Trial Court. In the circumstances, the interim order dated 22/10/2019 deserves to be confirmed.

ORDER

- I) Anticipatory Bail Application No. 2098 of 2018 is allowed.
 - II) In the event of arrest of the applicant in crime no. 89 of 2018 registered with BKC Police Station, applicant be released on furnishing P. R. bond in the sum of Rs. 25,000/- with one or more sureties in the like amount.
 - III) On executing of the bail bonds in accordance with this order, applicant will be at liberty to prefer an application before the Trial Court seeking permission to return to Nigeria.
 - IV) In the event the applicant prefers application seeking permission to return to Nigeria, the Trial Court shall decide the same within one week from the date of receipt of the application. The said application be decided in accordance with law.
- 7 Anticipatory Bail Application No.2098/2018 and application no. 1459 of 2018 stand disposed of.

[PRAKASH D. NAIK, J.]