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

ANTICIPATORY BAIL APPLICATION NO.2132 OF 2017

Kusta Shreedhar Gaonkar

..Applicant

Vs

The State of Maharashtra

..Respondent

Advocate Sartaj Shaikh for applicant.

Ms. Rutuja Ambekar, APP for State.

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CORAM : A.S.GADKARI, J.

DATE : 2nd August 2018.

P.C.:

1] By an Order dated 6th December 2017, the applicant was granted interim relief and was directed to attend the concerned Investigation Officer on stipulated dates.

2] Heard the learned counsel for the applicant and the learned APP for State. Perused the record of investigation.

3] The record indicates that, the principal accused Jose Cabral formed a Company namely RE Infrastructure having similarity with that of the first informant's Company i.e. R.E. Infra Pvt. Ltd. and diverted the funds which were legally payable by the customers of the first informant's

Company to his Company. The record indicates that, the applicant was in employment of the first informant's Company upto August 2016 and thereafter left the job. The record indicates that, the applicant thereafter joined the Company of Jose Cabral by name RE Infrastructure and the applicant acted under the dictates of the said Jose Cabral. Most of the amounts in the present crime appears to have been received by said Jose Cabral. That the co-accused Avinash Kulkarni who has been assigned with same or similar role, has been granted pre-arrest bail by the learned Sessions Court, Greater Mumbai by its Order dated 23.3.2018. It is the allegation of the prosecution that, the said principal accused Jose Cabral further diverted certain funds in the account opened by the applicant herein.

4] The record indicates that, the Investigating Officer has already seized those accounts. The investigation of the present crime is solely based on documents. It appears that in pursuance of directions issued by this Court by its Order dated 6th December 2017, the applicant had attended the Investigating Officer on stipulated dates and cooperated in the process of investigation.

5] In view of the above, this Court is of the opinion that, the custodial interrogation of the application for further investigation in the present crime is not necessary.

6] In view thereof, interim relief granted by Order dated 6th December 2017 is hereby confirmed. However, the condition to attend the Investigating Officer is waived.

7] Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)