

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 900 OF 2019

Ravikumar Kanniah	...	Applicant
V/s.		
The State of Maharashtra	...	Respondent

Mr.Pranav Pokhale a/w. Mr.Saurabh Patil i/b. Mr.Amol Birajdar for Applicant.
Mr.R.M. Pethe, A.P.P. for Respondent-State.
Mr.Katkar, PSI, Amboli Police Station, Mumbai.

CORAM : A.S. GADKARI, J.

DATE : 15th April 2019.

P.C. :

1] The applicant is apprehending arrest in connection with C.R. No.268 of 2018 dated 06/06/2018 registered with Amboli Police Station, Mumbai, for the offence punishable under Section 420, 406, 408 read with 34 of the Indian Penal Code.

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

3] The first information report is lodged by Mr.Jhishan Shaukat Shaikh, owner of Hybro Food Private Limited.

It is the prosecution case that, the co-accused Mr.Yogesh Dalvi was working in the company of the informant as an 'accountant'. That the said Mr.Yogesh Dalvi along with his wife floated two companies, namely, Fresh Food Company Limited and Fresho Foods Company Limited and thereafter, diverted the Challan/funds of M/s.Hybro Food Private Limited to the said companies thereby causing wrongful monetary loss to M/s.Hybro Foods Private Limited and wrongful gain to the said two companies, namely, Fresh Food Company and Fresho Foods Company.

4] The applicant herein has been implicated as an accused being owner of Ruan Star Food Products Private Limited. It is the prosecution case that, M/s.Fresho Foods Company supplied poultry articles amounting to Rs.90 lakhs to the company of the applicant. It is the further prosecution case that, the sale of said products amounting to Rs.90 lakhs is an ostensible transaction and funds defalcated by Mr.Yogesh Dalvi of M/s.Hybro Foods Private Limited, through his companies namely, Fresh Food Company and Fresho Company are routed through the company of the applicant. The Investigating Agency is seeking custody of the applicant for recovery of the said Rs.90 lakhs.

5] The record indicates that, M/s.Ruan Star Food Products Private Limited i.e. the company owned by the applicant had an independent commercial transaction with M/s.Fresho Foods and the said M/s.Fresho Foods had supplied the afore-stated poultry products amounting to Rs.90 lakhs to the applicant's company.

As noted earlier, it is a separate and distinct transaction between M/s.Ruan Star Food Products Private Limited and M/s.Fresho Foods. It appears *prima-facie* that the Investigating Agency is yet to establish the link between M/s.Hybro Foods Private Limited and M/s.Fresho Foods Company to substantiate the allegation that the funds of M/s.Hybro Foods Private Limited were defalcated by their accountant i.e. principal accused Mr.Yogesh Dalvi and routed through M/s.Fresho Foods Company.

6] In view of the above, this Court is of the opinion that the custodial interrogation of the applicant for further investigation of the present crime is not necessary and he can be protected by pre-arrest bail.

Hence, following order :-

- (i) In the event of arrest in C.R. No.268 of 2018 dated 06/06/2018 registered with Amboli Police Station, Mumbai, the applicant shall be released

on bail on his furnishing PR bond in the sum of Rs.25,000/- with one or two solvent local sureties in the like amount.

- (ii) Applicant shall attend the Investigating Officer as and when called for between 10.00 a.m. to 1.00 p.m., after receipt of a notice in writing from the Investigating Officer and to join the process of investigation till submission of final report.
- (iii) Applicant shall not tamper with the evidence and/or interfere with the process of investigation.
- (iv) Application is allowed in the aforesaid terms.

[A.S. GADKARI, J.]