IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1099 OF 2019

Pradeep Dasu Gaikwad .... Applicant

versus

The State of Maharashtra .... Respondent

…....

- Mr.Nitin Patil i/b. Hulyalkar & Associates, Advocate for Applicant.
- Mr.S.R. Agarkar, APP for the State/Respondent.
- PSI Mr.Tushar Pachpute, Bundgarden Police Station, Pune, present.

CORAM : SARANG V. KOTWAL, J.
DATE : 14th JUNE, 2019

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.82/19 registered with Bundgarden Police Station, Pune, under sections 420, 406, 467 of the Indian Penal Code.

2. The offence is registered pursuant to the FIR given by one Rajesh Balkrushna Mahajan. According to him, he owned a company by name Pegesis, which was an Event Management

Company. One Rajesh Kumar Tripathi was his partner. Office of the company is at Mumbai. It is the case of first informant that the Applicant was working with him since the year 2008. He was appointed as an Accountant. The first informant had placed his trust on the Applicant and therefore responsibility of the entire bank transactions and the authority to conduct bank transactions was given to the Applicant. In June 2018, the Applicant left the job. While checking account for the purpose of payment of GST, the first informant came to know that the Applicant had transferred in all Rs.40 Crores in the account of M/s. Holiday Tours and Travels. The said firm was formed by the present Applicant. Thus, the informant's huge amount was transferred unauthorizedly without permission by the Applicant in his own account and had misappropriated a huge amount.

3. Heard learned Counsel Mr.Nitin Patil for the Applicant and learned APP Mr.S.R. Agarkar for the State.

4. Learned Counsel for the Applicant invited my attention to the memorandum of understanding executed in August 2018

where the Applicant had undertaken to repay the amount which he had taken. He further submits that some part of the amount was repaid. He further submitted that in the FIR the first informant has not made any reference to such memorandum of understanding. He further submitted that there is delay in lodging the FIR. He therefore submitted that no offence was made out.

5. As against this, learned APP submitted that huge amount is misappropriated by the Applicant by deceiving the first informant. He further submitted that since the first informant was waiting for the Applicant to repay the amount and since the amount was not repaid after giving enough opportunity to the Applicant, the first informant had no option but to lodge the FIR.

6. Looking at the allegations in the FIR, it is quite clear that the Applicant has siphoned off a huge amount without permission of the first informant and has not even informed

him. Further memorandum of understanding relied on by the Applicant in fact shows that such amount was in fact taken by him and he has undertaken to repay, which he had failed to do. Therefore the offence is committed and custodial interrogation of the Applicant is necessary to find out since when this criminal activities were going on, where the crime proceeds had ultimately gone. In this view of the matter, no case for anticipatory bail is made out. Application is therefore rejected.

(SARANG V. KOTWAL, J.)