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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1407 OF 2019

Jawahar Lal ...Applicant
Versus
The State of Maharashtra ...Respondent

WITH
CRIMINAL APPLICATION NO.1233 OF 2019
IN
ANTICIPATORY BAIL APPLICATION NO.1407 OF 2019

M/s.M. Ashok Kumar Industries LLP. ...Applicant
(First Informant)

IN THE MATTER BETWEEN

Jawahar Lal ...Applicant
Versus
The State of Maharashtra ...Respondent

Mr.Kiran Varma i/b Ms.P.P.Kale, for the Applicant.

Mr.P.H.Gaikwad-Patil, A.P.P for the Respondent - State.

Mr.Manish Bohra i/b M/s.A.S.Khan and Associates, for the First Informant/ Intervener.

P.I. - Mangesh Hande, L.T.Marg Police Station, is present.

CORAM : REVATI MOHITE DERE, J.

DATE : 24th SEPTEMBER, 2019

***P.C.* :**

1. Heard learned Counsel for the parties.

2. By this application, the applicant seeks pre-arrest bail in connection with C.R. No. 132 of 2018 registered with the L. T. Marg Police Station, Mumbai, for the alleged offences punishable under Sections 66(B), (C) and (D) of the Information Technology Act.

3. Learned counsel for the applicant submits that although he had taken an amount of Rs. 6,00,000/- from a friend-Ayub Suleman, he had returned the said amount back to Ayub Suleman, as Ayub was demanding 10% interest on the said amount. He submits that the applicant's bank statement reflects the same. He further submits that the applicants was shocked and surprised to see that he had received an amount of Rs. 5,95,232/- on 1stMarch 2018 in his company's bank account. He submits that when the applicant inquired with the bank officials, the applicant learnt that the said amount was transferred by Ashok Kumar Industries in the said account. Learned counsel for the applicant submits that the applicant had no clue how such a huge amount was transferred into his account, pursuant to which, he wrote a letter regarding the same to the Branch Manager as well as, to the Kotwali Police Station. Learned counsel relied on the said letter,

which is annexed as Annexure `A' to the application. Learned Counsel for the applicant had made a statement on 1st July, 2019, that the applicant was ready to deposit the amount of Rs.5,95,232/- in the Registry of this Court. Accordingly, the applicant has deposited the entire amount in the Registry of this Court. Learned Counsel for the applicant states that he has no objection, if the said amount is given to the First Informant, provided the First Informant co-operates in the quashing of the case, as against the applicant.

4. Learned Counsel for the Intervener/ First Informant states that the First Informant is ready to given his no objection to the quashing of the complaint/FIR, as against the applicant, provided the aforesaid amount of Rs.5,95,232/- deposited by the applicant, in the Registry of this Court, is handed over to the First Informant.

5. In the facts of the case, custodial interrogation of the applicant is not warranted. The application is accordingly allowed and the interim protection granted vide order dated 1st July, 2019, is confirmed on the following terms and conditions:-

ORDER

(i) In the event of the arrest, the applicant be enlarged on bail on executing P.R. Bond in the sum of Rs.15,000/- with one or two sureties in the like amount ;

(ii) The applicant shall co-operate with the Investigating Agency.

6. The Application is allowed in the aforesaid terms and is accordingly disposed of.

7. It is made clear, that the observations made herein are *prima facie* and are confined to this application.

8. Learned Counsel for the Intervener/ First Informant does not press Criminal Application No.1233 of 2019, in view of what is stated hereinabove. The same is accordingly disposed of as not pressed.

9. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.