Anand

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

**ANTICIPATORY BAIL APPLICATION NO. 1777 OF 2019**

Dharmesh Mahesh Thakkar .Applicant

Vs.

The State of Maharashtra .Respondent

Mr. Vaibhav V. Ugle, Advocate, for the Applicant
Mr. A. R. Kapadnis, APP, for the Respondent – State
Mrs. Shubhangi N. Waje, PSI, Govandi Police Station, Mumbai present

**CORAM : REVATI MOHITE DERE, J.**

**DATE : 23.08.2019**

**P.C.**

. Heard learned counsel for the parties.

2. By this Application, the Applicant seeks pre-arrest bail in connection with C. R. No. 199 of 2017 registered with the Govandi Police Station, Mumbai, for the alleged offences punishable under Sections 408, 420, 465, 467 & 471 of the Indian Penal Code.

3. Perused the papers. According to the prosecution, the Applicant was the Store Incharge of Reliance Retail Limited and his duty was to make entries of the stock and sale and keep the entire transaction record. It is the prosecution case, that when Kamlesh Jaiswal and Jagannath Mandal conducted an audit of the said store on

17.11.2016, they found one bill showing price of mobile as Rs. 35,000/- though the price of that mobile was Rs. 70,000/-. Accordingly, they informed the Senior Officer of the Company of Reliance Retail Limited, and a Chartered Accountant was appointed to conduct an audit. In the said audit, the Chartered Accountant found a difference of Rs. 10, 62, 165/-, pursuant to which, the aforesaid FIR was lodged. It is alleged that the Applicant had forged certain bills and had siphoned off the amounts, instead of depositing the amounts with the Company.

4. Learned APP has tendered an Affidavit of Mrs. Shubhangi N. Waje, PSI, Govandi Police Station, Mumbai. The same is taken on record. According to the learned APP, during the course of investigation, statements of several witnesses were recorded which revealed that the Applicant had used EAN code 910006033 at the time of giving discount to the bills on purchase of mobile phones. It was also revealed that after entering the said EAN code in the computer, the server used to access the same and generate the discounted bill in the accounts of the Company, however, the said discounted amount was not given to the customers and the customers were only provided the original bills of the mobile phones. It, therefore, appears that the Applicant had siphoned off over Rs. 10,00,000/- by using EAN code, by generating discounted bills and by not passing on the discounts to the customers, for purchase of the mobile phones. Learned APP has tendered the statement of one Indrajit

Khalsa to show that almost 61 mobile phones were shown to have been purchased by Indrajit Khalsa by showing fake and bogus discounted bills and thereafter, the said mobile phones were sold in Manish Market. Learned APP has shown the aforesaid bills tendered by the Applicant. One witness - Mohammed Ansari has produced the bogus bills given by the Applicant on purchase of a mobile phone.

5. Considering the nature of allegations, custody of the Applicant is necessary to find out the modus operandi and where the mobile phones were sold by the Applicant. Accordingly, the Application is rejected.

6. It is made clear that the observations made herein are *prima facie*, and if an Application for regular bail is filed, learned Judge shall consider the same on its own merits uninfluenced by the observations made in this order.

**(REVATI MOHITE DERE, J.)**