

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.2619 OF 2019

Manju Shivgovind Gupta

...Applicant

Versus

The State of Maharashtra

...Respondent

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Mr. Manish Mazgaonkar, Advocate for the Applicant.

Mr. S. H. Yadav, APP for the state-respondent.

Mr. Satish Jadhav, P. I. Crime, Panvel Taluka Police Station, Present.

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CORAM : PRAKASH D. NAIK, J.

DATE : 28th November, 2019

PC :

1. The applicant is apprehending arrest in C.R. No. 162 of 2019 registered with New Panvel Police Station, District Navi Mumbai for offence punishable under Section 406, r/w. 34 of Indian Penal Code.
2. The applicant is concerned with Iro Steel Exim Pvt. Ltd. Company which is dealing in business of export. The complainant had alleged that the goods belonging to the complainant were released to Iro Steel Exim Pvt. Ltd. Company.
3. According to applicant the company of the applicant had raised the purchase order with the first informant. The said purchase order was acknowledged by the first informant. The advance payment was made by the applicants' company by bank transfer.

About Rs. 27,75,000/- were transferred into the bank account of the complainant.

4. It is further contended that goods worth 6.380 ton were short and the short goods were received on 8th June, 2019. The first informant told the applicant to collect remaining goods from the S.B.W. Company. As per the instructions of first informant the goods were transferred and the same were exported. The amount was paid through RTGS.

5. The co-accused had preferred an Anticipatory Bail Application No. 2478 of 2019 before this Court. It was contended jointly by the complainant and the co-accused that the dispute has been resolved. In view of the settlement, the application preferred by the co-accused was allowed by order dated 26th November, 2019.

6. Taking into consideration the aforesaid circumstances, the applicant cannot be subjected to custody. Hence, case for grant of bail is made out. Order as follows :-

ORDER

- i) Anticipatory Bail Application No.2619 of 2019 is allowed;
- ii) In the event of arrest of applicant in C.R. No. 162 of 2019 registered with New Panvel Police Station, District Navi Mumbai, the applicant be

released on bail on furnishing P. R. Bond in the sum of Rs.20,000/-, with one or more sureties in the like amount;

- iii) Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)