

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (ABA) NO.411/2019

Parvez S/o. Zibrail Pathan

.vs.

The State of Maharashtra

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Mr. Virat Mishra, Advocate for applicant.
Mr. Niraj Jawade, A.P.P. for non applicant.

CORAM : V. M. DESHPANDE, J.

DATED : AUGUST 21, 2019

This is an application for anticipatory bail.

2] Heard Shri Virat Mishra, the learned counsel for the applicant. It is the submission of the learned counsel that the applicant has to recover an amount of Rs.20 lacs from Barbrik Project Limited, to whom the applicant used to supply sand. For that he invited my attention at page No. 15 of the compilation. It is his submission that as per the FIR the applicant has shown that he has supplied sand worth Rs.80,000/- which according to the said Company was not supplied. He submitted that since an amount of Rs.20 lacs is to be recovered by him from the Company he will not raise bill in respect of Rs.80,000/-. It is his submission that in pursuance to the interim order the applicant has joined investigation and has cooperated with the investigating officer and therefore, his custodial presence is not required.

2] Per contra, the learned Additional Public Prosecutor Shri Niraj Jawade would submit that the applicant has fabricated and forged the documents and thereby claimed Rs.80,000/- from the company. He submitted that there are statement in the investigation papers which would show that on a day on which the applicant has allegedly dumped sand was not the day when the company was required any sand. He also submitted that there is a statement of one prosecution witness who states that the present applicant tried to bribe him so as to take the forged and fabricated entry in the record of the Company. He, therefore, submits that the application be rejected.

3] The first information report is lodged by Shri. Sanjeev S/o. Maniram Tripathi, one of the employee of Barbrik Project Limited. As per the report dated 15/04/2019 the Company was given work of road widening at National Highway at Salai Khurd, District Bhandara i.e. from Distt. Bhandara to Tiroda, Distt. Gondia and for the said purpose the said Company has established office at Vihirgaon where the two employees Sandip Bramhe and Jaideep Upadhaya works as Store Keeper and employed at a weigh bridge. These two are the co-accused in the present crime and according to the learned Additional Public Prosecutor these two employees are absconding and in spite of the steps taken by the prosecuting agency they are not found at their ordinary place of residence.

4] As per the prosecution case, in the intervening night of 09/04/2019 and 10/04/2019 the applicant has shown that he has supplied the sand and for that he prepared the bill worth Rs.80,000/-. Statement of one of the prosecution witness Sanjay Kumar would show that on the said day there was no requirement of the Company for the sand. The statement of one Niraj would show that on 02/04/2019 when he was working on the weigh bridge the present applicant came to him and offered Rs.5,000/- per trip and asked him that he should take the entries in the record of the Company though the applicant will not be supplying any sand.

5] The applicant may have some dispute with the company in respect of his dues, for that legal course is open for him. However, that does not mean that the applicant shall indulge into the acts of offering bribes to the employees of the company and with the help of the employees of the Company shall prepare the forged and fabricated documents to claim the amount which ultimately will be the amount from the State Ex-cheque. The white collar crimes are most dangerous which are happening in the society very frequently. The courts must take strict view in respect of the offences of white collar especially when the applicants with the help of others fabricates and forged documents and cause a loss to the public ex-cheque which ultimately affect the national economy. Hence, no case is made out for any relief in favour of the applicant. Hence, application is

rejected. Needless to mention that interim order granted on 01/07/2019 shall stands vacated. It is open to Investigating Officer to take necessary steps in accordance with law.

JUDGE

Namrata