

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 213 OF 2020

Virendra Pratap Sitaram Mishra	...Applicant
Versus	
The State of Maharashtra	...Respondent

**WITH
INTERIM APPLICATION NO. 1 OF 2020
IN
CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 213 OF 2020**

Santoshkumar Achhaibar Nigam	...Applicant
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IN THE MATTER BETWEEN :-

Virendra Pratap Sitaram Mishra	...Applicant
Versus	
The State of Maharashtra	...Respondent

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Mr. Rajendra P. Mishra, Advocate for the Applicant.
Mr. Y. M. Nakhwa, APP for the Respondent – State.
Mr. Shankar A. Patil, Bhandup Police Station, Mumbai, Present.

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**CORAM : PRAKASH D. NAIK, J.
DATE : 16th MARCH, 2020**

PC :

1. This is an application for anticipatory bail in C.R. No. 254 of 2019 registered with Bhandup Police Station, Mumbai for offences punishable under Sections, 420, 465, 467, 468, r/w Section 34 of Indian Penal Code.
2. The case of the prosecution is that the complainant is in the business of transport. The FIR was registered against A. K.

Shrivastav, Rajesh Agrawal and Mahadev Trailors Services. Accused A. K. Shrivastavs told the informant on telephone that he is head of Logistic Department and M/s. Hindalko Industries Ltd. and agreed to give yearly work of transport from Shigroli (Madhya Pradesh) to Piniya (Bangalore) @ Rs. 5,665/- per ton and from Shigroli to Mumbai J.N.P.T. @ 8,290/- per ton to the informant and reimburse his transport bill within one week. It is alleged that the accused A. . Shrivastava gave false proof of vehicles of accused Agrwal, contractor and supplier and induced complainant to transfer amount of Rs. 24,59,000/- in the bank account of Mahadev Traylor Service which is belongs to the applicant. It is alleged that in furtherance of common intention accused have induced the informant to part with the amount and thereby cheated him.

3. Learned counsel for the applicant submits that the applicant has no role to play in the crime. The co-accused are involved in committing crime. Other cases are registered against him. The role attributed to the applicant is that amount of Rs.24,59,000/- was credited to his account. It was represented by the co-accused to him that the account of the applicant was to be utilized in Bhuj and that he agreed for the same. The amount was then transferred to the concerns as per the instructions of the co-accused. It is submitted that the applicant has furnished details about the transferred amount

to the Investigating Officer during the course of interrogation. The applicant was granted interim protection by the Sessions Court and he has cooperated with the investigation.

4. Learned APP submits that the applicant has played vital role in the crime. The amount was received in his account. It is contended by the applicant that the amount was transferred to the account of other parties. There is no plausible explanation. The investigating Officer had visited the office of the applicant and it was noticed that no transportation business is being conducted by the applicant. The amount of Rs.3,75,000/- was utilized by the applicant for purchasing jewellery.

5. Learned counsel for the intervenor supports the arguments of learned APP. It is submitted that the applicant is deeply involved in the offence.

6. I have perused the FIR and other documents. The amount of Rs. 24,59,000/- was credited into the account of the applicant. The amount was credited at the instance of the co-accused. The contention of the applicant is that it was then transferred to other concerns. There is no plausible explanation for allowing the account of the applicant to be utilized by the co-accused. Prima facie involvement of the applicant is apparent from the record. The

investigation is in progress. Hence, no case for grant of anticipatory bail is made out.

7. Hence, I pass the following order :

ORDER

- i) Anticipatory Bail Application No. 213 of 2020 stands rejected and disposed of accordingly.
- ii) Interim application No.1 of 2020 stands disposed of accordingly.

(PRAKASH D. NAIK, J.)