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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 487 OF 2019

MITESH ASHOK RASAIKAR AND OTHERS APPLICANTS

V/s.

THE STATE OF MAHARASHTRA RESPONDENT

Mr. Rajesh P. Khobragade advocate for the Applicant

Mr. A. R. Kapadnis APP for the State

Mr. Ajay Kulkarni, PI, Andheri Police Station

CORAM : NITIN W. SAMBRE, J.

DATE: 4th OCTOBER, 2021.

P.C.:

1] Applicants are seeking pre-arrest bail in C.R. No. 449 of 2018 registered with Andheri Police Station for offence punishable under Sections 420, 406, 506 r/w 34 of the Indian Penal Code.

2] Applicants who are businessmen claimed to have hired vehicles of the complainant and other similarly placed persons and provided same for transportation to the various companies in lieu of hire

charges. It is alleged that said company by name 'Travizuu Cab Pvt. Ltd.' has defaulted in payments to the vehicle owners whose vehicles are hired. As such, offence in question.

3] Submissions of Mr. Khobhragade are, applicants have settled accounts of almost all the vehicle owners from whom vehicles were hired. He would invite attention of this Court to the accommodation granted on 28/03/2019 for the same and the affidavit of compliance to that effect placed on record.

4] Offence under Section 420 of the IPC is punishable with 7 years of imprisonment and Section 406 is punishable with imprisonment of 3 years.

5] In the aforesaid background, in my opinion, having regard to the fact that application is pending since 2019 that too without any ad-interim protection, application stands rejected. However, it is open for the applicants to demonstrate satisfaction of the dues, settlement of accounts of the vehicle owners to the Investigating Officer.

6] Applicants' arrest be not processed without there being compliance to the procedure contemplated under Section 41 of Code of Criminal Procedure, 1973.

[NITIN W. SAMBRE, J.]