IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 733 OF 2021

Sunil Harichandra Lade ... Applicant

Versus

The State of Maharashtra ... Respondent

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Mr. Gautam T. Kanchanpurkar, Advocate for the Applicant.
Mr. S. S. Pednekar, APP for the Respondent – State.
Mr. Raviraj K. Katte,(P. S. I.) Andheri Police Station, Mumbai Present.

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CORAM : PRAKASH D. NAIK, J.

DATE : 23rd MARCH, 2021

PER COURT:

1. This is an application for anticipatory bail in C.R. No. 39 of 2021 registered with Andheri Police Station, Mumbai for offences under Sections 408 & 420 of Indian Penal Code (for short "IPC")

2. The case of the complainant is that the applicant was a senior accountant in Anant Enterprises pvt. Ltd. which produces Pharmaceuticals. The applicant had allegedly misappropriated the amount of Rs.1,36,65,630/- in his different account.

3. The applicant had preferred an application for anticipatory bail which has been rejected by learned Sessions Judge vide order dated 25th February, 2021. While rejecting the said

application it was observed that the offence is serious and relates to misappropriated and cheating of huge amount which need thorough investigation.

4. Learned counsel for the applicant submitted that the applicant has been falsely implicated in this case. He was working in the complainant's company since last 22 years. There was no complaint of misappropriation of amount. Custodial interrogation of the application is not necessary. He was working under the directions of managing directors of the company. All the transactions were conducted under the directions of the directors of the company. With a view to avoid income tax liability, he was directed to adjust the account and used online transaction. The amount was directed to be paid by cash from the personal account of the applicant and also the same was received in the personal account of the applicant. The company had issued notice dated 2^{nd} August, 2020. The said notice was replied by the applicant and it was clearly stated that the transactions executed on the directions of the directors of the company, with the view to avoid income tax liability. The applicant is ready to cooperate with investigation. He is ailing and suffering from heart disease. He relied upon E-mails and submitted that transactions with customers of the company including the company in China were executed to his personal account. Hence, the applicant is ready to

attend the Investigating Officer and cooperate with investigation.

5. Learned APP submitted that the complainants company had conducted the audit for a period from 1st April, 2014 to 31st October, 2019. The audit report indicate that major irregularities in accounting. Learned APP submitted that the amount has been transferred from the account of the company to the applicant's account to the tune of Rs. 1,36,95,630/- during the year 2019-20, 2018-19, 2017-18, 2016-17. etc.

6. I have perused the FIR and the investigation papers. The documents on record indicates the complicity of the applicant in the transactions. The investigation reveals that the huge amount was transferred from the account of the company to the applicant's account. It is difficult to accept the contention of the applicant. In the light of the factual aspects of the matter, no case for grant of anticipatory bail is made out.

ORDER

Criminal Anticipatory Bail Application No. 733 of 2021 is rejected and stands disposed of accordingly.

(PRAKASH D. NAIK, J.)