

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

ANTICIPATORY BAIL APPLICATION NO. 917 OF 2021

1. Amrit Pal
2. Manish Pal ... Applicants

Versus

The State of Maharashtra ... Respondent

.....

Mr. Omprakash Parihar a/w Ms. Aarti Suvarna, Advocate for the Applicants.

Mr. A. R. Kapadnis, APP for the Respondent – State.

.....

CORAM : PRAKASH D. NAIK, J.

DATE : 21st JUNE, 2021

PER COURT:

1. This is an application for anticipatory bail in C.R. No.98 of 2021 registered with Bandra Police Station, Mumbai for offence u/s 420, 409 r/w 34 of Indian Penal Code. The FIR was registered on 15th February 2021.

2. The case of complainant is that he is running a business of exporting wood. In March-2018 he received a call from applicant no.1 informing that he intends to purchase wood valued at about Rs.10 lakh. The complainant told applicant no.1 to visit Mumbai for inspection of wood. Thereafter there was discussion between

applicants and complainant, which was followed by their visit to Navi Mumbai to inspect the goods. Subsequently the rate of wood was fixed between parties. The transactions were executed in cash. In 2018 the complainant sold wood to M/s. Agarwal Timber and Plywood, which was owned by the applicants. The delivery of wood was made to applicants through the company of complainant M/s. Myanmar Timber Company on 14th September 2018, 18th September 2018 and 2nd October 2018. The details of invoices are provided in FIR. The complainant received Rs.44.50 lakh towards GST and Rs.10.25 lakh by cash. The balance receivable amount was Rs.75,14,475/-. The complainant had sold the wood worth Rs.1,29,91,515/- and received Rs.44.50 lakh towards GST and balance amount towards GST Rs.35,53,085/- was to be paid. The complainant also sold wood through his company Aaditya Kiran Enterprises on 1st October 2018 and 9th October 2018. Towards GST the complainant received Rs.10 lakh and by cash Rs.5 lakh. Balance amount to be received was Rs.59,59,757/-. It is further alleged that in October-2018 the complainant forwarded wood worth Rs.2,04,51,270/-. He received Rs.10 lakh from accused. On 14th November 2018 the complainant was threatened of dire consequences by the accused. Thereafter accused had not responded. The FIR was lodged against complainant by accused at Ramgad

Police Station, District Panchkula. Applicant no.1 had also lodged complaint against complainant with EOW, Panchkula.

3. From the tenor of FIR it is apparent that there were continuous transactions between the complainant and applicants. Prior to lodging of FIR, the complaint was lodged by applicants against complainant. Learned counsel for applicants points out the notice issued at the instance of applicants on 26th December, 2018 contending that goods supplied to the applicants were of inferior quality. The transactions were executed in 2018. It is submitted that the applicants are willing to co-operate with investigation.

4. Learned APP submit that complainant was cheated huge loss is caused. The objection about quality was not raised by applicant. Learned APP relied upon statements of two witnesses recorded during investigation which according to him corroborate the version of the complainant.

5. The applicants were granted interim protection by order dated 6th April, 2021. In pursuant to the interim relief granted by this Court, the applicant had appeared before the Investigating Officer on 14th, 16th & 18th June, 2021. The facts narrated as above do not justify custodial interrogation.

ORDER

- (i) Anticipatory Bail Application No. 917 of 2021 is allowed;
- (ii) Interim order dated 6th April, 2021 is confirmed.
- (iii) In the event of arrest of the applicants in connection with in C.R. No.98 of 2021 registered with Bandra Police Station, Mumbai, the applicants be released on bail on furnishing P. R. Bond in the sum of Rs.25,000/- each with one or more sureties in the like amount;
- (iv) The applicants shall attend the investigating officer as and when called for till filing of charge-sheet.
- (v) Anticipatory Bail Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)