

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

ANTICIPATORY BAIL APPLICATION NO. 1314 OF 2021

Bhanu Rajesh Gupta ... Applicant

Versus

The State of Maharashtra & Anr. ... Respondents

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Mr. Ashay Gajbhiye, Advocate for the Applicant.

Mr. G. S. Vadya, Advocate for Respondent No.3.

Ms. Anamika Malhotra, APP for the Respondent – State.

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CORAM : PRAKASH D. NAIK, J.

DATE : 25th JUNE, 2021

PER COURT:

1. The applicant is apprehending arrest in C.R. No.120 of 2019 registered with Vanrai Police Station for offences under Sections 420, 406, 120-B of Indian Penal Code (for short “IPC”).

2. The complainant has alleged that he is working as Vice President with Nandan Petrochem Ltd. having its office at Goregaon, Mumbai. The said company is involved in manufacturing automotive oil, industrial oil at Silvassa, Dadra Nagar Haveli and MIDC, Taloja, Dist. Raigad. Shubham Associates was the distributor/broker of complainant’s company. Rajesh Gupta and Himanshu Gupta were

proprietors of Shubham Associates.

3. The distributor/broker used to get commission. During the period from 3rd February, 2018 to 31st May, 2018. Orders were received for distribution of oil and the oil was delivered on receipt of the said orders. On inquiry with the company to whom the oil was to be delivered. It was revealed that the oil was not received by the said company. The complainant entered into the correspondence with Shubham Associates. Inquiry was made with Rajesh Gupta and Himanshu Gupta, there was response from them. The which was delivered to them was not returned nor price of the oil was paid to the complainant. They misappropriated Rs. 1,52,614/- and Oil valued Rs. 89,49,706/-.

4. The applicant had preferred an application for anticipatory bail before the Sessions court which has been rejected vide order dated 5th May, 2021.

5. Learned advocate for the applicant submitted that the applicant is not involved in the transactions. He has not been named in the First Information Report (for short 'FIR'). Rajesh Gupta was arrested and granted bail. No amount is recovered from him. The applicant is young boy having no criminal antecedents. The complainant has not dealt with the applicant. The applicant is not

involved day to day affairs of the Shubham Associates. The business was handled by accused No.2 being proprietor. The applicant No.2 is absconding. The applicant was aged about 20 years in 2018 when the alleged transaction was executed. The role ascribed to the broker is to introduce the perspective buyers. There is no evidence to show that the oil was delivered to Shubham Associates. The father of the applicant was arrested and granted bail.

6. Learned APP submitted that the applicant and others sold out the oil to third person. The tax invoices are signed by the applicant. The oil was worth Rs. 89,49,706/-.

7. Learned advocate for the complainant submitted that the applicants and the co-accused are carrying out business at Ludhiana. Two invoices were signed by the applicant. Involvement of the applicant is disclosed during investigation.

8. From the FIR and the other documents it is apparent that the huge loss was caused to the complainant. Investigation reveals complicity of the applicant. Two invoices for an amount of Rs.18,11,750/- and Rs.14,63,790/- were signed by the applicant. Prima facie the involvement of the applicant is apparent. Hence, no case for grant of anticipatory bail is made out.

ORDER

Anticipatory Bail Application No.1314 of 2021 is
rejected and disposed of accordingly;

(PRAKASH D. NAIK, J.)