

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 1084 OF 2020

Ashu Kumar S/o Gain Chand ... Applicant

Versus

The State of Maharashtra ... Respondent

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Mr. Sanjay Kumar i/b. Mr. A. R. Tiwari , Advocate for the Applicant.

Mr. S. S. Pednekar, APP for the Respondent – State.

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CORAM : PRAKASH D. NAIK, J.

DATE : 11th FEBRUARY, 2021

PER COURT:

1. The applicant is apprehending arrest The Applicant is apprehending his arrest in connection with C. R. No. 667 of 2020 dated 27th October, 2020 registered with Bangur Nagar Police Station, Mumbai for offences under Sections 406, 408, 420 read with Section 34 of the Indian Penal Code.

2. The FIR is lodged by one Neelesh Kumar Dubey. The main allegations are against his Co-Director one Ashish Kumar Ramdev Pandey and one Jagdish Thethi. Ashish Kumar Pandey was a Co-Director in the company named “Blue Leaves Shipping And Logistics Private Limited”. The other accused Jagdish Thethi was the

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Manager. The allegations in the FIR are that both these accused, without permission of the first informant and without telling him, removed Rs.2,25,91,859/- from the Company's account maintained with different banks.

3. Learned counsel for the applicant submitted that, the name of applicant is not reflected in the FIR. However, it is the case of the prosecution that the co-accused had utilized the amount which was siphoned off from the complainant's company in purchasing the vehicle in the name of applicant. The vehicle was subsequently sold to another person.

4. Learned APP submitted that during the course of investigation, the co-accused who has been arrested had stated that the amount of Rs.4,50,000/- was paid to the applicant in cash. The version of the co-accused appears to be doubtful. There is no proof of such payment. Undisputedly, the vehicle which was allegedly purchased in the name of the applicant was subsequently sold. Undisputedly, in the said transaction of car, the applicant had not received any amount. Considering the factual aspects of this case, the applicant need not be subjected to custodial interrogation. The applicant has attended the Investigating Officer pursuant to interim protection granted by this Court.

ORDER

- (i) Anticipatory Bail Application No.1084 of 2020, is allowed;
- (ii) The interim order dated 5^h January, 2021 is hereby confirmed.
- (iii) In the event of arrest of the applicant in connection with C. R. No. 667 of 2020 registered with Bangur Nagar Police Station, Mumbai, the applicant be released on bail on furnishing P. R. Bond in the sum of Rs.25,000/-, with one or two local sureties in the like amount;
- (iv) The applicant shall attend the investigating officer as and when called for;
- (v) The applicant shall provide the details of the permanent place of residence to the Investigating Officer;
- (vi) Anticipatory Bail Application stands disposed of accordingly.

5. This order will be digitally signed by the Private Secretary/Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

(PRAKASH D. NAIK, J.)