

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

ANTICIPATORY BAIL APPLICATION NO.1876 OF 2019

Ajit G. MenonApplicant
Versus
The State of Maharashtra Respondent

Ms. Shrishty Punjabi, Advocate h/f. Mr. P. Janardhanan, i/b.
REX Legalis, for the Applicant.

Ms. G.P. Mulekar, APP for the Respondent-State.

Mr. T.S. Koyande, PI, Govandi police station is present in
Court.

CORAM :SARANG V. KOTWAL, J.

DATE : 21st AUGUST, 2021

P.C. :

1. This application was listed on the board dated 7.8.2021. That time, nobody had appeared for the applicant. The matter was directed to be placed on the today's board for "dismissal / for passing of orders".

2. Today, Ms. Shrishty Punjabi, learned counsel appearing on behalf of the applicant seeks time.

3. The applicant is enjoying interim relief since 6.9.2019 on the basis of an undertaking which is not honored.

Therefore, today I am not granting any time and I am deciding this matter.

4. Learned A.P.P. has made submissions on the basis of the investigation carried out so far. The investigating officer is present in the Court.

5. The FIR is lodged on 18.12.2019 by one Devbrat Dutta, who was the Provident Fund Inspector. The allegations in the FIR are that between June, 2017 to October, 2018, the applicant had deducted certain amount from the salary of his employees for the purpose of depositing it in the Provident Fund. However, that amount was not deposited with the department and it was misappropriated by the applicant. That amount was to the tune of Rs.82,13,159/-.

6. The applicant was granted interim protection by this Court (Coram: Revati Mohite Dere, J.) on 6.9.2019 based on an undertaking wherein the applicant had given the schedule of making payment of the entire amount. That amount was to be paid in six installments between 19.9.2019 to 6.12.2019.

7. Learned A.P.P. pointed out that the applicant has paid only Rs.19,36,179/- till date and has not paid an amount of Rs.62,76,980/-. Thus, the applicant has not only committed the offence but has also breached the undertaking given to this Court and had enjoyed interim relief since 6.9.2019. Therefore, I am not inclined to grant any relief in this application. The application is, therefore, rejected.

(SARANG V. KOTWAL, J.)

Deshmane (PS)