

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 1940 OF 2019**

Parag Malhar Chitnis ... Applicant
V/s.
The Senior Inspector of Police & Ors. ... Respondents

ALONG WITH
CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 1941 OF 2019

1. Mrs. Sakshi Sandhir &
2. Mrs. Neeru Ajay Sandhir ... Applicants
V/s.
The Senior Inspector of Police & Ors. ... Respondents

Mr.Rajeev Chavan, Senior Advocate a/w. Mr.Shabbir Shora i/b. Rizwan Merchant & Associates for Applicant(s).
Mrs.M.H. Mhatre, A.P.P for Respondent-State.

CORAM : A.S. GADKARI, J.
DATE : 7th August 2021.

PC. :

1. Heard Mr.Chavan, learned Senior counsel for the Applicant(s) and Mrs.Mhatre, learned A.P.P. for the Respondent-State. Perused record.
2. By an Order dated 4th September 2019, the Applicants were granted interim relief and were directed to attend the Investigating Officer on stipulated dates to join the process of investigation.

3. It is the case of the informant that, Applicant Parag Malhar Chitnis was employed with Aero Interiors Pvt. Ltd., which was formed in the year 2011. That, though the Applicant Parag Chitnis owned merely 0.1% of the stake in the said company, by forging signature of co-owner, he diverted funds of the company into his wife's bank account, i.e. Applicant Sakshi Sandhir and he further showed his mother-in-law i.e. Applicant Mrs. Neeru Ajay Sandhir as an employee of the said company and made payments as salary and bonus amounting to Rs.7,44,104/-. It is the prosecution case that, the Applicant Parag Chitnis thus defalcated a sum of Rs.10,32,104/- of the said company.

4. Record indicates that, on 4th September 2019, the learned Senior counsel appearing for the Applicants had made a statement that, the Applicants have already deposited the said alleged defalcated amount with the Investigating Agency. The said fact is recorded in the Order of even date.

5. The learned A.P.P. submitted that, in pursuance of Order dated 4th September 2019, the Applicants have attended the Investigating Officer on stipulated dates and have co-operated with the investigation. She tendered across the bar a report dated 7th August 2021 signed by the concerned Investigating Officer. The said report is taken on record.

Learned A.P.P, on instructions from Mr.S.D. Kadam, Police Officer, Turbhe Police Station, Navi Mumbai, submitted that, the investigation of the

present crime is completed and the Police have already filed the Chargesheet on 30th April 2021 and therefore, the custodial interrogation of the Applicants are not necessary.

6. Even otherwise also, the prosecution was seeking custody of the Applicants and mainly the custody of Applicant Parag Chitnis for recovery of the said alleged defalcated amount.

In view of the categorical statement made by the Investigating Officer before this Court, the Applicants can be protected by pre-arrest bail.

7. In view of the above, interim relief granted by Order dated 4th September 2019 is hereby confirmed. However, the condition to attend the Investigating Officer is waived.

8. Both the Anticipatory Bail Applications are allowed in the aforesaid terms.

[A.S. GADKARI, J.]

OMKAR
SHIVAHAR
KUMBHAKARN
Digitally signed
by OMKAR
SHIVAHAR
KUMBHAKARN
Date:
2021.08.07
17:48:07 +0530