

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

ANTICIPATORY BAIL APPLICATION NO. 122 OF 2022

Smt. Jyoti Praful Maru	 Applicant
Versus	
The State of Maharashtra	 Respondent

Mr. Gautam T. Kanchanpurkar for Applicant.
Smt. A. A. Takalkar, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 18th JANUARY, 2022
(through Video Conferencing)

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No. 457 of 2021 registered at Mahim Police Station, on 07/09/2021, under sections 406, 420 and 408 of the Indian Penal Code (for short 'IPC').

2. Heard Shri. Gautam Kanchanpurkar, learned counsel for the applicant and Smt. Takalkar, learned APP for the State.

3. A copy of the First Information Report is not annexed to this application. However, the allegations against the applicant are reflected in Exhibit 'I' which is a police report tendered before

the sessions court in the anticipatory bail application filed by the applicant.

4. The allegations against the applicant are that, she was appointed as Accountant Head in M/s. Grand Skies Pvt. Ltd. The owner of that company was one Bhaskar Sawant who has lodged this F.I.R. According to him, the applicant was appointed on 01/01/2020. On 05/02/2021 she sent her resignation through E-mail. Before leaving the job she gave information about the accounts of the company to other employees on the directions of the owner.

5. On 20/02/2021 the informant came to know that, on some occasions the applicant has directly accepted money from the customers in her private Google pay account. Some of the amount was transferred by her in the company's account, but certain amount was retained by her. Initially the informant came to know that she had misappropriated about Rs.2,23,456/-. However, on inquiries carried out by the informant, it was revealed that total misappropriation was to the tune of Rs.4,26,755/-.

6. Learned counsel for the applicant submitted that,

initially the informant had made a complaint to the police on 10/04/2021. At that time, the amount was fixed at around Rs.2,23,000/-. The applicant had responded to the summons by the police and had given her version before the police and had explained about the transactions. According to the learned counsel the applicant had accepted money from the customers as per directions of the owner himself because of exigency of the situation. She had, in fact, returned Rs.2,45,000/- in the company's account. Certain amounts were returned in cash. He submitted that, only after the applicant had left the company the owner had grievance against her because of her resignation and therefore, either under misunderstanding or through malice this F.I.R. is lodged. Learned counsel for the applicant submitted that the applicant is a divorcee and is residing with her only son who is studying in 10th std. If she is arrested in this false case, her son and she herself will suffer irreparable loss.

7. Learned APP opposed this application. She submitted that the matter requires investigation and all the transactions will have to be verified.

8. I have considered these submissions. Initial complaint apparently was made in April 2021. Thereafter it was not seriously pursued. At that time, misappropriated amount, as alleged, was around Rs.2 lakhs. The applicant has given her explanation. According to her, she had accepted the amounts from the customers and had transferred it in the company's account and some amount was in cash was returned to the owner. The other amount she had received was actually spent for making booking and for other expenses related to the company. She had given her Google Pay account number only at the instance of owner himself. According to her, she only had to pay Rs.32,170/- to the owner, but since the owner had not paid her salary for 17 days in February 2021 she adjusted that amount towards that salary. Thus, it can be seen that the applicant herself has some plausible explanation. This will have to be decided during trial. But, ultimately, if, it turns out that her defence is truthful, then her custodial interrogation will cause irreparable loss to her, particularly, when she is staying alone with her only son who is studying in 10th standard. In this situation, the investigation can go

on. The applicant can be directed to co-operate with the investigation. Her custodial interrogation is strictly not necessary.

9. Hence, the following order :

ORDER

- (i) In the event of her arrest in connection with C.R.No. 457 of 2021 registered at Mahim Police Station, the applicant is directed to be released on bail on her furnishing P. R. bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- (ii) The Applicant shall attend the concerned Police Station as and when called and shall cooperate with the investigation.
- (iii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)