

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 2578 OF 2022

Mukesh Kumar Satish Kumar .. Applicant
Jhunjhunwala
Versus
The State of Maharashtra .. Respondent
...

Mr.Ramprasad V. Gupta for the applicant.
Mrs.Anamika Malhotra, APP for the State.
API Shailendra Jagdale from BKC police station.

CORAM: BHARATI DANGRE, J.
DATED : 27th SEPTEMBER, 2022

P.C:-

1 The case of the prosecution is to the effect that the applicant is one of the Partners of R.J. Courier Service, which is engaged in the business of logistics and courier service at Pan India.

2 The allegation levelled in the complaint is that the informant and owner of M/s.D. Raj Diamond booked two parcels with the applicant's firm, with the sealed packet to be delivered at Ludhiana, which was never delivered on the given destination and time. He sought response from the applicant but there was no answer. This resulted in registration of C.R invoking Sections

420, 406, 409 of IPC.

3 On the last date, learned counsel for the applicant made a categorical statement that he had handed over the goods received by him from the complainant to one M/s.Sai Air Parcel to be delivered to them, and time was sought by him to produce on record any proof thereof.

 Today, the learned counsel state that he has no documents to that effect. Apparently, the complainant has handed over the goods to the applicant for being delivered on the given address in Ludhiana. The counsel for the applicant, now argue that it did not contain the goods worth what was mentioned and therefore, the complaint is not maintainable.

4 In any case, the applicant is also into a courier business and he is quite acquainted with the procedure to be followed, when the goods are received for a consignment. He cannot now dispute that it did not contain the given product or was not worth the value.

5 The aforesaid accusation definitely warrant custodial interrogation. Hence, application is rejected.

(SMT. BHARATI DANGRE, J.)