rajshree

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.2635 OF 2022

Ibad Nazir Gire	]	..	Applicant
vs.			
State of Maharashtra	]	..	Respondent

Mr.Vedchetan Patil a/w Sunayana Kashid, for the Applicant.
Mrs.Anamika Malhotra, APP for the State.
Mr.Mahesh Pol for the Intervenor.
PSI Dhiraj Waykos, Malad Police Station present.

CORAM : BHARATI DANGRE, J

DATE : 26th SEPTEMBER, 2022.

P.C.

1] The Applicant faces accusations in CR No. 750/2021 which invoke offences under Sections 408, 419, 420, 465, 467, 468, 471, 381 read with 34 of the Indian Penal Code and he is apprehending arrest in the subject CR.

2] The case of the prosecution that can be discerned from the complaint is to the effect that the complainant alongwith his father are running business in the name of Gokul Fuelchem Pvt. Ltd and dealing in coal. The complainant, pursuant to the death of his father became Director of the said Company.

He allege that one Kalpesh Jadhav, working as Chief Accountant in the company, and the complainant found discrepancies in the company's cash flow. When the accounts were scrutinized, and he reached to a definite conclusion, the main accused stopped reporting on duty. The scrutiny of account lead to the fact that he had transferred an amount of Rs.4,34,734/- to one Vivek Mahadik in the fake name of R.V. Impex Pvt. Ltd. and bill was generated. Subsequently the amount was corrected to 3.86 crores. Then the complainant realized that in the fake name of different companies, the accused entered into transactions and those include his relatives, friends etc. The list of companies include Star India Transport Co., Ibad Nazir Gire alongwith other such companies.

The complainant narrated the details of such transactions which were to the tune of Rs. 3,86,77,704/- effected in the name of various accounts of the companies and find his name at Sr.No.6 and 7.

3] The learned counsel for the Applicant would submit that as far as the Applicant is concerned he was merely an employee. Satish Kadam and he himself is instrumental in recording his name as Proprietor of said company. The documents are also placed on record from MSME where the Applicant's name is shown as Enterprenuer of Star India Transport Company. The address of the Enterprise is also given alongwith mobile number. The bank account as well as IFS Code is also displayed that the Applicant is Proprietor of Star India Transport Co. When the learned counsel for the Applicant was asked to explain as to on what basis and how he can reverse the accusations, he produced on record the account to show that he was receiving salary in Axix Bank account in the name of Star India Transport Company. But the customer ID do not reflect Satish Kadam as co-account holder and rather the said account is managed by the Applicant in the name of the aforesaid companies, so also by creating fictitious companies. Hence, the Applicant being the main perpetrator in the subject CR his custodial interrogation is very much necessary.

Hence, the Application is rejected.

[BHARATI DANGRE, J]