IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 2845 OF 2022

Sanjit Kumar Jena .. Applicant
Versus
The State of Maharashtra .. Respondent

WITH
INTERIM APPLICATION NO. 3624 OF 2022
IN
ANTICIPATORY BAIL APPLICATION NO. 2845 OF 2022

Nayan Leharchand Mepani Intervenor
In the matter between:
Sanjit Kumar Jena .. Applicant
Versus
The State of Maharashtra .. Respondent

Mr. Niranjan Mundargi i/b Pan India Legal Services LLP a/w Preston Dias for the Applicant.

Senior counsel Mr. Aabad Ponda a/w Mr. Yashpal Thakur, Mr. Mukund Pandya for Intervenor.

Mr. S.V. Gavand, A.P.P. for the State/Respondent.

CORAM: BHARATI DANGRE, J.
DATED : 10th NOVEMBER, 2022

P.C:-

1. The applicant is apprehending his arrest in connection with C.R. No. 204 of 2022 registered with Rabale Police Station which invoke sections 408 and 420 of IPC.

2. Heard learned counsel Mr. Mundargi for the applicant, learned APP Mr. Gavand for the state and the learned senior counsel Mr. Ponda for the intervenor. On perusal of the FIR which is lodged by one Nayan Mepani, Director of Krystal Kolloids Pvt. Ltd which has levelled serious allegations against the present applicant, who was engaged as an employee since 2005.

The accusations faced by the applicant are serious in nature and it is alleged that, the applicant purposely had purchased low quality goods for M/s. Krystal Kolloids Pvt. Ltd company in higher rate than the market rate and in that exchange has accepted cheques or cash of difference amount from the mentioned businessmen and deposited it in its own bank account in such a manner as if the customers had made the payment at a higher rate from the bank account of M/s. Krystal Kolloids Pvt. Ltd company and thus caused financial loss to the company. It is also alleged that he threatened some Forest contractors that he will not purchase the goods at the decided rate and he will return their goods back. He is alleged of putting pressure on the suppliers and trying to make forcible compromises. As a consequence the Forest contractors had send the goods from far distance by bearing the cost of transport and they succumbed to the pressure of paying the differential amount in cash or by cheques so that their goods should be purchased by the company and not return back.

The complaint make reference to the inquiry conducted with the suppliers in respect of the misdeeds attributed to the applicant by giving several instances like supplier Pawan Sharma, through his company Radhika traders and Harsh traders, supplier Shri Sudhir Lalit Pur etc.

The complainant alleged that the applicant had induced the suppliers of purchasing the raw materials and instructed them to prepare the bills of the additional amount and ask them to transfer the amount in its personal bank account and he had withdrawn the amount from the company bank account and paid the bills to the suppliers.

Pertinent to note that the company is engaged in manufacturing of the Gum and was required to purchase raw materials from Forest Contractors of various states and thereafter at the production unit located at Rabale MIDC TTC Industrial area, the finished product was obtained. The applicant is alleged to have been engaged by the company on a fix salary with the responsibility being entrusted to him as regard the sale-purchase and to supervise the entire working of the manufacturing unit, which automatically vested with him certain powers and he was even assigned the passwords of the account numbers belonging to the company.

In short the allegation is that, he was in the helm of affairs of the company which afforded him an opportunity to mismanage the finances. The complaint in great detail specify the illegalities committed by him and it is alleged that huge amount has been transferred to his personal account during the period, when he was working with the said company. Apart from the monthly salary which he was receiving, the investigation has revealed that a sum of approximate Rs. 3,57, 49,319 /- has been credited into the account of the applicant and the learned APP has placed on record a detail chart reflecting the salary of the applicant on the one hand as well as the cash deposits and unexplained credits, which are being reflected into personal account. The mutual fund investments at the instance of applicant at the tune of Rs. 86,17,255/- for the last five years commencing from the year 2017-18 to 2021-22 is also taken into account by the Investigating Officer and this is all against the total earnings by him by way of salary to the tune of Rs.91,39,624/- for the period commencing from 2008-9 to 21-2022.

3. The learned APP also states that apart from this bank transactions in form of unexplained credits/income, he has also purchased certain immovable property worth Lakhs of Rupees. Prima facie since the applicant had every opportunity to deal with the business of the company as he was vested with the powers by the employer to negotiate, to deal with the customers and accept the amounts on behalf of the company, he had every opportunity to mismanage the same. The accusations definitely warrant a custodial interrogation.

Hence the application is rejected.

Interim Application No. 3624 of 2022 is disposed off.

(SMT. BHARATI DANGRE, J.)