IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.4114 OF 2021

Ravindra Palshetkar] ... Applicant

Vs.

The State of Maharashtra] ... Respondent

ALONG WITH

INTERIM APPLICATION NO.203 OF 2022

Sulochana Wagh] ... Applicant

Vs.

The State of Maharashtra & Anr.] ... Respondents

…

Mr. Arun Singh Thakur for the applicant.

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

Ms. Kajal Singh for the Intervenor/original complainant.

Mr. Balaji Sanap, API attached to Sakinaka Police Station is present in the court.

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CORAM : SMT. BHARATI DANGRE, J.

DATED : 13TH JULY, 2022.

<u>P.C.</u>:-

1. The applicant came to be arrested on 15/06/2021 in connection with the C.R. No.29 of 2019 registered with the Sakinaka Police Station on 15/01/2019 at the behest of the informant, which invokes Sections 406, 420, 465, 467, 468, 471 read with Section 34 of the IPC.

2. On completion of the investigation, the charge-sheet is filed.

3. The complainant alleges that she along with her husband are in the business of ladies footwear since 2006 and have been manufacturing and exporting the goods in various countries abroad through various agents. The husband of the informant, who was working in Tejumal Exports Private Limited got acquainted with the applicant. In the year 2006, her husband started his own company, which was styled as Wagh Footwear and, the applicant sought an employment in the said company, which was readily offered, as he was well-versed with the export business and was also having computer knowledge and expertise in export documentation and departmental administration.

4. As a result of the arrangement that was worked out, the applicant is alleged to have introduced the informant and her

husband to accused No.2 Madhu Sanon and his son, who were running a company known as Global Impex QC International. They inspected the manufacturing unit and the goods of the informant and it was decided that they shall export the said goods at a commission of 6% or minimum commission of Rs.35 per sale of footwear and the same was not reduced into writing, but it was orally agreed to that effect.

5. The complainant accused the applicant of demanding a commission of Rs.5/- on selling of each footwear and, which was also agreed and, thereafter, it was stated that, the commission was settled at Rs.10/- on sale of each footwear.

6. Since in the year 2014, some payments of the invoices were not received by the first informant, despite the goods being exported and when evasive replies were given by the accused, the informant realized that there is some misstatement and this could be ascertained only when her son, who is a management graduate, went deep into the matter. An FIR, therefore, came to be lodged in the year 2019, alleging that accused No.2 and accused No.3 have received funds in their accounts as advance payments and for the period of 2017-18, the State Bank of India and the Reserve Bank of India had sent notices to the informant regarding discrepancies in their accounts and dues receivable for the goods exported, but the informant could not offer any explanation, as a result of which, their accounts have been

freezed. The banks were informed that the applicant and accused Nos.2 and 3 have forged the invoices and taken the money in their accounts.

7. The said accusations are levelled against accused No.2. However, as far as the present applicant is concerned, he is not accused of any amount being received in his account on account of the said invoices. The applicant was working as an employee of the informant and he faces an accusation that the invoices were forwarded by him to accused No.2, who received the amount towards the said invoices in her bank account. This is the limited role, which is also reflected in the charge-sheet, which has been filed after completion of investigation.

8. In the wake of the material against the applicant, being already compiled in the charge-sheet and, since it is not the case of the prosecution that he is at flight risk or has any criminal antecedents, there is no reason why he shall remain incarcerated pending the trial. The applicant, therefore, deserves his release on bail, in the wake of accusations leveled against him in the charge-sheet, where he faces a charge along with accused Nos.2 and 3 for forgery and criminal breach of trust, without the charge-sheet indicating any material against the present applicant on that count. The above observations, however, are *prima facie* in nature and made for the purposes of deciding the present bail

application and the same shall not be influenced the trial judge while trying the case. Hence, the following order:

ORDER

(a) The applicant – **Ravindra Palshetkar** shall be released on bail in C.R. No.29 of 2019 registered with Sakinaka Police Station, District Mumbai on executing P.R. bond to the extent of Rs.25,000/- and furnishing one or two sureties of the like amount.

(b) The applicant is permitted to furnish provisional cash bail in the sum of Rs.25,000/- for a period of four weeks.

(c) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case and shall not tamper with prosecution evidence.

(d) The applicant shall attend to the trial regularly unless exempted.

9. The bail application and the interim application are allowed in the aforestated terms.

10. All parties are directed to act on the downloaded copy of the order supplied by the Advocate under his seal and signature.

[SMT. BHARATI DANGRE, J.]