

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**CRIMINAL APPELLATE JURISDICTION**  
**CRIMINAL APPLICATION NO.371 OF 2019**

Murlidharan Rajshekharan ] ... Applicant

Vs.

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

...

Mr. L.M. Shukla for the applicant.

Ms. Veera Shinde, A.P.P. for the State.

Mr. Tanaji Patil, PSI is present in the court.

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**CORAM : SMT. BHARATI DANGRE, J.**

**DATED : 22<sup>ND</sup> JUNE, 2022.**

**P.C.:-**

1. By the present application, the bail granted in favour of the accused Krishnamani Sevakant Shukla on 16/08/2019 is sought to be cancelled.

2. The scope of cancellation of bail is limited, either to the breach of conditions or to a perverse finding being rendered by taking into account irrelevant material or relevant material being ignored. On these parameters, in my mind, I have examined the

contentions of the learned counsel by perusing the order dated 16/08/2019. The applicant is alleged to be one of the person with whom the complainant intended to start a hotel business in partnership. The case of the complainant is that accused No.1 Jaya Shetty arranged his meeting with accused No.3 Ganesh Pujari by informing that he was also desirous of starting a hotel business and told that if he deposits Rs.15 lakhs, Ganesh Pujari would give him Rs.65,000/- per month for five years and then the principal amount of Rs.15 lakhs would be refunded whereas Muralidharan would remain as a sleeping partner. This was accepted and an online agreement, which was to be executed, inducting the present applicant as a partner, was also exchanged between them.

3. During the course of investigation, the Investigating Officer found that Ganesh Pujari had deposited a sum of Rs.7 lakhs by bank transaction in the account of Krishnamani, the present applicant. However, Ganesh Pujari has made a statement that he made over Rs.13 lakhs to the account of Krishnamani and, therefore, the Investigating Officer while opposing the anticipatory bail application before the Sessions Court, has made a statement that a sum of Rs.13 lakhs paid to Krishnamani is yet to be recovered and, therefore, his custodial interrogation is required.

4. Recording that the applicant Krishnamani was intending to

enter into a partnership with Ganesh Pujari and, for that purpose, has received Rs.7 lakhs, the learned Judge recorded that nothing more than this amount is alleged to be received by the present applicant and, there is no evidence to that effect brought on record by the prosecution. On this ground, since the amount of Rs.7 lakhs is by way of bank transfer, this is an admitted fact and collated in the investigation, the court thought it fit to release him, in the event of his arrest. The said order dated 16/08/2019 continued to remain in force.

5. Learned Judge rightly appreciated the parameters for the custodial interrogation and conferred the protection on the applicant by considering the material placed before him. Though learned counsel for the complainant is desirous of placing on record certain statements of witnesses, they will have to be appreciated at the time of trial and depending upon these statements proved by the prosecution and the complainant, the applicant shall be convicted for the offence punishable under Sections 409 and 420 of the IPC with which he is charged.

6. Finding no merits in the application, the application is rejected.

**[SMT. BHARATI DANGRE, J.]**