IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.972 OF 2023

Sandeep Sampatraj Kothari ...Applicant
Versus
The State of Maharashtra ...Respondent
...
Mr. Niranjan Mundargi with Mr. Pritesh Burad, Ms Kejal Mehta, Ms Twinkle Gadhiya and Ms Ankita Gupta i/b. M/s. Pritesh Burad and Associate for the Applicant.
Mr. S.V. Gavand, APP for Respondent-State.
Mr. Siddharth Jaiswal for the Complainant.

CORAM: SMT. ANUJA PRABHUDESSAI, J.
DATED : 5th APRIL, 2023.

P. C. :-

1. This is an application under Section 438 of the Cr.P.C. filed by the aforesaid Applicant apprehending his arrest in C.R. 1329 of 2022 registered with Oshiwara Police Station, Mumbai, for the offences punishable under Sections 406, 409, 420, 465, 467, 468, 504 and 506 r/w 34 of the IPC.

2. Heard Mr. Niranjan Mundargi, learned counsel for the Applicant, Mr. Siddharth Jaiswal, learned counsel for the Complainant and Mr. Shrikant Yadav, learned APP for the Respondent -State. I have perused the records and considered the submissions advanced by the

learned counsel for the respective parties.

3. The aforesaid crime was registered pursuant to the FIR lodged by Himanshu Waingankar. The facts narrated in the FIR prima facie reveals that the Complainant had purchased Kilin Global Pvt. Ltd. Company from Mr. Pratap Kakaria for a sum of Rs.,25,00,000/-. It is stated that Pratap Kakaria is a Chartered Accountant and is a friend of the First Informant and that the First Informant had appointed the Applicant in the said Company as a Chief Financial Officer. The First Informant alleged that he had deposited an amount of Rs.2 crores in the Company account. The grievance of the First Informant is that said Pratap Kakaria had applied for loan of Rs.5 crores in the ICIC bank by forging his signature. The First Informant informed the Bank officers that he had not applied for loan and requested to stop the said loan transaction. The first informant has alleged that out of the loan amount of Rs.5 crore, Pratap Kakaria intended to give Rs.2 crores to the present Applicant and part to one Vinod. It is also alleged that said Pratap Kakaria and the Applicant removed the first informant from Board of Directors of the Company by misusing digital signature.

4. The FIR prima facie reveals that the allegations are

essentially against Pratap Kakaria. The FIR does not prima facie indicate that the Applicant herein has misappropriated any amount or that he had forged the signature of the first informant or fabricated any documents.

5. Under the circumstances, this is not a case which would justify custodial interrogation. Hence, the application is allowed on the following terms and conditions:-

(i) In the event of arrest of the Applicant in C.R. 1329 of 2022 registered with Oshiwara Police Station, Mumbai, the Applicant shall be released on bail on furnishing PR bonds in the sum of Rs.25,000/- with one or two sureties to the like amount.

(ii) The Applicant shall report for two days from 10/04/2023 between 11.00 a.m. to 2.00 p.m. and further as and when required by the Investigating Officer.

(iii) The Applicant shall not tamper with the prosecution evidence and or influence the witnesses in any manner.

(iv) The Applicant shall keep the Investigating Officer informed of his current address and mobile contact numbers, and /or change of residence or mobile details, if any, from time to time.

6. The application stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)

MEGHA S PARAB Digitally signed by MEGHA S PARAB Date: 2023.04.10 19:27:02 +0530