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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO.1870 OF 2023

Manishkumar Dineshchandra Gupta ...Applicant
vs.
The State of Maharashtra ...Respondent

Mr. Purushottam G. Chavan for the Applicant.
Mr. H. J. Dedhia APP for the Respondent - State.
Ms. Chaitrali Sabale, API, CBD Belapur police station present.

CORAM : S. M. MODAK, J.

DATED : 7TH AUGUST 2023

P. C. :

1. Heard learned Advocate for the Applicant and learned APP for the Respondent-State. The Officer from CBD Belapur police station, Navi Mumbai is present.
2. In CIDCO record, 28 persons were shown as working on a contractual basis. Their names are genuine but these persons have never worked in CIDCO. They have not issued the appointment orders in their names. The accounts are opened in various banks and patpedi, out of them one is Nirmal Ujwal Cooperative Credit Society Ltd., Telhara.
3. The present Applicant is connected in two different

capacities. The Applicant worked at some point in the said Patpedi and the second, was the Managing Director of Mangalmurti Urban Nidhi Ltd. The same is denied by him.

4. Few of the bank accounts are opened in the name of these contractual employees in Nirmal Ujwal Patpedi, Talhera. At that time, the present Applicant was the Manager, when actual amount towards salary was deposited, he was not there. So, the allegation is that he has not taken proper care while opening these accounts. One such statement of the account holder of the bank is recorded by the police. I have read it.

5. There are few bank accounts in Mangalmurti Urban Nidhi Ltd. (Patpedi). They are genuine accounts. Accused-Sagar Tapadiya deposited certain amount in these accounts and present Applicant insisted those account holders to withdraw the amount and pay him. Those statements are there.

6. The offence is registered at C.R.No.75 of 2023, with CBD Belapur police station, Navi Mumbai on 12th April 2023. It is on the complaint of one Fayaz Khan, General Manager, Housing, CIDCO. It is for the offence under Sections 420, 409, 465, 468,

471, 474, 120B of the Indian Penal Code. It is lodged against Sagar Tapadiya, who is an employee of CIDCO. He has done all these manipulations.

7. Learned Advocate for the Applicant tried his level best to convince me that the present Applicant is not a beneficiary. He is not concerned with both Patpedi. However, when I perused the papers, I am not with the Applicant. There is one statement recorded of M. G. Iyer. She is a resident of Telhara. The account is opened in her name.

8. I have perused her statement. The bank account was opened in her name, in Mangalmurti Urban Nidhi Ltd. and Nirmal Ujwal Cooperative Credit Society Ltd., Telara. Her pancard and Aadhar card copies are annexed. Copy of the account opening form is also shown to me. Her date of birth mentioned in the form and the date of birth mentioned in two documents are different. Even, she has disowned signing that form. She has never withdrawn the monies. I have also perused statements given by the witness one- Ganesh Sudhakar Ghyar, Telhara. He works as clerk at Mangalmurti Urban Nidhi Ltd.

According to him, the present Applicant used to look after the management of said Patpedi. On 24th March 2023, on the instructions of present Applicant, the said witness has withdrawn Rs.1,50,000/- and paid that amount to the present Applicant. This money was deposited in this account by Sagar Tapadiya and Ananta Gajanan Mahale. It is on some loan. They have withdrawn the said amount and paid it to the Applicant.

9. Considering the above materials, the involvement of the Applicant is disclosed. The CIDCO has lost Rs.2,81,93,434/-. It is true that bank account of Sagar Tapadiya is freeze and there is amount of Rs.1,09,00,000/-. The custodial interrogation of the Applicant is required. No case for grant of anticipatory bail is made out.

10. Application is rejected.

11. It is made clear that these are my *prima-facie* observations.

12. All the parties to act on an authenticated copy of this order.

[S. M. MODAK, J.]