

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

ANTICIPATORY BAIL APPLICATION NO. 1925 OF 2023

1. Vipul Popatlal Chheda

2. Ms. Vrutti Vipul Chheda

..Applicants

v/s.

The State of Maharashtra .

..Respondents

Mr. Sujit Shelar a/w. Shubham Shingade for the Applicant.

Mr. S.V.Gavand, APP for the State.

PSI Anil Kasurde from Vile Parle Police Stn.

CORAM : ANUJA PRABHUDESSAI ,J.

DATED : 13th JULY, 2023.

P.C.

1. At the outset, learned Counsel for the Applicant seeks leave to withdraw the application as against the Applicant No.1. Leave granted. Application is dismissed as against the Applicant No.1.

2. The Applicant No.2 seeks pre-arrest bail in Crime No. 293 of 2023, registered at Vile Parle Police Station, for offences under Section 406, 420 r/w. 34 of the Indian Penal Code.

3. Heard learned Counsel for the Applicant, learned APP for the State. I have perused the records and considered the submissions advanced by the learned Counsel for the respective parties .

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4. The facts narrated in the FIR prima facie indicate that Anurag Enterprises, a company based in Nepal had placed order for sugar with Edylene International Pvt. Ltd. , of which the Applicant No.1 as well as the present Applicant (Applicant No.2) are the Directors. It is stated that the Complainant had paid to Edylene International Pvt. Ltd., total amount of Rs.1,02,00,000/-. It is stated that Edylene International Pvt. Ltd. failed to supply sugar as agreed, and subsequently returned the amount of Rs.30,00,000/- to the complainant company. It was agreed between the parties that the Applicant would either supply the sugar or refund the amount. The complainant has alleged that Edylene International Pvt. Ltd. neither supplied the sugar, nor refunded the amount received from the complainant company. Hence the FIR.

5. The facts narrated in the FIR prima facie indicate that the transaction was essentially between the Applicant No.1 Vipul Chheda, father of the Applicant No.2 and the first informant. The FIR does not indicate that apart from being the Director of the Company, the Applicant No.2 was in any manner involved in the said transaction, or that she was involved in the day to day affairs of the company. The Applicant No.2 is a young girl of 24 years of age. Considering the said fact, and also the fact that no specific role is attributed to her, in my considered view, this is a fit case to exercise discretion under Section

438 of Cr.P.C.

6. Hence, the application is allowed on the following terms and conditions:-

- (i) In the event of arrest of the Applicant No.2 in Crime No.293 of 2023, registered at Vile Parle Police Station, the Applicant be released on bail on furnishing bail bond of Rs.25,000/- (Rupees Twentyfive Thousand Only) with one or two sureties in the like amount;
- (ii) The Applicant shall report to the Investigating Officer for two days on 17th and 18th July, 2023, between 11.00 a.m. to 2.00 p.m.;
- (iii) The Applicant shall keep the Investigating Officer informed of his current address and mobile/contact details, and/or change of residence or mobile/contact details from time to time.
- (iv) The Applicant shall not interfere with the Complainant and the other witnesses, or tamper with the evidence in any manner.

. **Application stands disposed of.**

(ANUJA PRABHUDESSAI, J.)