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

## ANTICIPATORY BAIL APPLICATION NO.1954 of 2023



Jaydeep R. Kumbhar ...Applicant

Versus

The State of Maharashtra and Anr. ...Respondents

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Ms Neha M. Patil for the Applicant.
Mr. R.M. Pethe, APP for the Respondent -State.
Mr. Shelkar, IO/API, MIDC Police Station, present.

**CORAM : SMT. ANUJA PRABHUDESSAI, J.**

**DATED : 28th JULY, 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.No.175 of 2023 registered with M.I.D.C. Police Station, Mumbai, for the offences punishable under Sections 406, 409 and 420 of the IPC.

2. Heard Ms Nehal Patil, learned counsel for the Applicant and Mr. R.M. Pethe, 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 Mr. Praresh Thakker, who is the authorised signatory to M/s. Rajesh Digital and Datacom Pvt. Ltd. The facts narrated in the FIR prima facie reveal that the Company of the First Informant is a cable and internet service provider. The Applicant herein was working in the said Company as a technician on payment of monthly salary of Rs.22,000/-. The grievance of the First Informant is that the Applicant herein had collected total amount of Rs.59,50,106/- from the customers and had not deposited the same in the account of the Company. The Officers of the Company repeatedly called upon the Applicant to give statement of account and copies of receipts. However, he did not respond to the mails and did not credit the amount into the account of the Company. Hence, the FIR.

4. The Bank statement indicates that total amount of Rs.59,50,000/- has been credited in the account of the Applicant. On 14/07/2023 learned counsel for the Applicant had made a statement that the Applicant has transferred the said money in the account of the Company and she had sought time to place on record the relevant documents and bank entries. The Applicant has failed to produce such documents. On the contrary, today, in the course of the hearing, learned counsel for the Applicant made a statement that the said amount was received by the Applicant towards services provided to the customers. As

noted above, the Applicant was only an employee of the Complainant-Company on payment of monthly salary of Rs.22,000/-. He was a technician and was not required to provide services to the customers. The records prima facie shows involvement of the Applicant in commission of the crime. The investigation is at preliminary stage. The nature of accusations and the material in support thereof does not justify exercise of discretion under Section 438 of the Cr.P.C. Hence, the application is dismissed.

**(SMT. ANUJA PRABHUDESSAI, J.)**