

Urmila Ingale

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

BAIL APPLICATION NO. 3066 OF 2022

Priyal Chetan Bandbe	..Applicant
Vs.	
The State of Maharashtra	.. Respondent

Mr. Aabad Ponda, Senior Advocate a/w Ms.Kinjal Mehta, Mr.
Hrishikesh Naik i/b Mr. Ashok Mishra for M/s.Solicis Lex, for
Applicant.
Ms. A. A. Takalkar, APP for State.
Mr. Vijay Madaye, PI, Borivali Police Station present.

CORAM : M. S. KARNIK, J.

DATE : JANUARY 5, 2023

P.C. :

- 1.** Heard learned Senior Counsel for the applicant and learned APP. The Investigating Officer is present.
- 2.** This is an application for bail filed by the applicant - Priyal Chetan Bandbe, in respect of C.R. No. 213 of 2021 dated 13/04/2021 registered with Borivali Police Station for the offence punishable under sections 477-A, 420, 120B, 34, 408, 467, 468 and 201 of the Indian Penal Code, 1860 and under sections 65, 66C and 66D of the Information

Technology Act, 2000.

3. The FIR is dated 13/04/2021. The FIR is filed by the partner and owner of the company where the applicant was working. A complaint was made by the complainant that one Sheetal Bare who is a booking agent along with employees of the company conspired to misappropriate the funds of the company by fudging the booking amounts of the airline tickets. It is alleged that the misappropriation is to the tune of Rs. 4,25,52,426/-. The applicant is a female employee of the company who surrendered on 25/05/2022 and since then is in custody.

4. The charge-sheet has been filed and the investigation is complete. Learned Senior Advocate submitted that pursuant to the complaint filed by the complainant on 15/10/2020, the applicant has filed two complaints to the concerned police station on 07/01/2021 and 25/01/2021 indicating the involvement of the complainant himself and that everything was happening at his behest. The period of the offence is alleged to be from the 2016 to 2020.

5. Learned Senior Advocate submitted that it cannot be

that the complainant was not aware of what was happening in the company. These are of course matters to be dealt with by the trial Court during the course of trial.

6. In the charge-sheet, it is alleged that the applicant is the beneficiary of an amount of Rs.7,12,292/-. Further an amount of Rs.2,81,595/- is credited to the account of the applicant's husband. Learned Senior Advocate submits that without prejudice to the applicant's rights and contentions, only to show her bonafides, the applicant is willing to deposit a sum of Rs. 10,00,000/- within a period of 4 weeks from today.

7. Taking an overall view of the matter, as the charge-sheet has been filed and the investigation has been completed, the applicant, who is a female employee of the company, who is in custody for more than 7 months, can be released on bail. The applicant had filed an application for anticipatory bail and after the same was rejected had surrendered on 25/05/2022. In this view of the matter, it cannot be said that there is possibility of the applicant evading the trial or jumping bail. The applicant is willing to

deposit the amount of Rs. 10,00,000/- without prejudice to her rights and contentions.

8. Learned Senior Advocate submits on instructions that an affidavit/undertaking will be filed that an amount of Rs. 10,00,000/- would be deposited in the trial Court by the applicant within a period of 4 weeks from the date of the release of the applicant. Statement is accepted. Hence, the following order.

ORDER

- (a) The application is allowed.
- (b) Applicant- Priyal Chetan Bandbe shall be released on bail in connection with C.R.No. 213 of 2021 registered with Borivali Police Station, on her furnishing P.R. Bond of Rs.25,000/- with one or more local sureties in the like amount.
- (c) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any Police Officer. The applicant shall not tamper with evidence.
- (d) The applicant shall attend the concerned Police Station as and when called.

(e) On being released on bail, the applicant shall furnish her contact number and residential address to the Investigating Officer and shall keep him updated, in case there is any change.

(f) The applicant shall abide by the statements made.

7. The application is disposed of.

(M. S. KARNIK, J.)