IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 887 OF 2024

Raju Balaram Batham .... Applicant
Versus
The State of Maharashtra .... Respondent

WITH
INTERIM APPLICATION NO. 1436 OF 2024
IN
ANTICIPATORY BAIL APPLICATION NO. 887 OF 2024

Swati Mahendra More …. Intervenor
In the matter between
Raju Balaram Batham .... Applicant
Versus
The State of Maharashtra …. Respondent

Mr. Dishant Chitalia a/w Niraj Bhatiya a/w Anmol Goyal i/b Enlight Juris, for the applicant.

Ms.Pallavi N. Dabholkar , APP for the State/Respondent.

Mr. Arjun B. Jeswani, for the Intervenor.

CORAM :SARANG V. KOTWAL, J.
DATE : 5th APRIL, 2024

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R No. 320 of 2023, registered at Vartak Nagar Police Station, Thane, on 04/10/2023, under Sections 406, 409, 420 r/w 34 of the Indian Penal Code.

2. Heard Mr.Chitalia, learned counsel for the Applicant,

Ms. Dabholkar, learned APP for the Respondent-State and Mr. Jeswani, learned counsel for the Intervenor.

3. The FIR is lodged by one Swati More. She has stated that she and her husband started a labour law consultancy. They established 3 entities by the name Swayam Consultants, Swayam Business Solutions and Cluster Associates. The informant and her family members were owners of these Companies.. They used to provide services relating to the supply of labour, their provident funds, completing provisions under the various laws etc. The informant's company had provided services to 40 companies. There were 10 employees working with them. All those companies were looked after by the informant's husband. Earlier, there was some other chartered accountant looking after those companies. However, the previous chartered accountant was in some difficulties. The informant's husband suffered health issues in October 2018. After that, the Applicant's brother Ramesh Batham was appointed as C.A. of this Company from 29/09/2018. He was also given work of making payments of GST etc. The allegations against the main accused Ramesh Batham are that he told the

informant that she should send money in the personal account of Ramesh and his family members and the other associated Companies and thereafter he would make payment of GST. The informant went on depositing amounts, but GST was not paid to the GST authorities and the accused thus committed misappropriation to the tune of Rs. 3,97,61,663/- On this basis the FIR is lodged.

4. Learned counsel for the Applicant submitted that the applicant is a practicing advocate. He is roped in only because he is the brother of the main accused, Ramesh. He had no interaction with the informant. He had not made any representation to the informant. The allegations, at the highest, are that on one occasion he received an amount of Rs. 1 lakh at the behest of his brother, but even that time he had not played any part. He also submitted that the Applicant is ready and willing to deposit Rs. 1 lakh in the account of the informant within a period of four weeks from today. In this background, his custodial interrogation is not necessary.

5. Learned APP submitted that the offence is clearly made

out in the FIR and huge amount of the informant is misappropriated. The amount which was to be paid to the government authorities was misappropriated by the accused. The present applicant is also involved because he had received Rs. 1 lakh. Learned counsel for the intervenor-the informant also supported these submissions

6. I have considered these submissions. The main allegations in the FIR are against he Applicant's brother. There are no allegations that the Applicant had any personal interaction with the informant or that he made any representation to the informant. Only at the behest of his brother Ramesh, the amount of Rs. 1 lakh was transferred to his account.

7. This amount, compared to the entire misappropriated amount of more than Rs. 3,97,61,663/-, is much smaller. Considering the absence of any specific allegations against the present Applicant except of having received amount of Rs. 1 lakh, there are no other allegations against the present Applicant. Hence the following order.

ORDER

(i) In the event of his arrest in connection with C.R No. 320 of 2023, registered at Vartak Nagar Police Station, Thane , the Applicant is directed to be released on bail on his executing P.R. bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.

(ii) The Applicant is permitted to deposit Rs. 1 lakh in the account of the informant within a period of 4 weeks from today. if such amount is not deposited, the informant is at liberty to make an application for cancellation of this order.

(iii) The Applicant shall attend the concerned Police Station on 22^{nd}, 23^{rd} and 24^{th} April between 01.00 p.m. to 05.00 p.m.and thereafter as and when called and shall co-operate with the investigation.

(iv) The Application stands disposed of accordingly. With disposal of the Application, the Interim Application is also disposed of.

(SARANG V. KOTWAL, J.)