

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

ANTICIPATORY BAIL APPLICATION NO.2948 OF 2023

Noman Noor Ahmed Shaikh

...Applicant

Versus

The State of Maharashtra

...Respondent

....

Mr. Shafi Sayed for the Applicant.

Ms Rutuja Ambekar, APP for the Respondent -State.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 15th JANUARY, 2024.

(In Chamber)

P.C.:-

1. This is the second application for pre-arrest bail apprehending arrest in Crime No.40 of 2023 registered with Bhaykhala police station, Mumbai, for the offences punishable under Sections 408 and 420 of the IPC.

2. The aforesaid crime was registered pursuant to the FIR lodged by Rahul Reddy alleging that the Applicant herein, who was appointed as outlet Manager at Subko Coffee Pvt. Ltd. and who was responsible for collecting cash from the sales as well as from the other outlets in Mumbai, has misappropriated the amount of Rs. 40,00,000/-.

3. Learned counsel for the Applicant states that the Applicant has already repaid the amount. He further states that there is discrepancy as regards the amount allegedly misappropriated.

4. It is pertinent to note that previous application being Anticipatory Bail Application No.2228 of 2023 was dismissed on merits by order dated 08/08/2023. This Court had referred to the contents of the FIR, which prima facie revealed that the Applicant had made a statement that he had repaid Rs.2,90,000/- on 05/01/2023. However, there was no counter slip in respect of the said amount with the HDFC Bank and that the CCTV footage did not show presence of the Applicant in the said bank. It was observed that the material on record prima facie indicated that the Applicant, who was an outlet Manager and whose duty was to collect the cash from sales and to deposit the same in the HDFC Bank, has misappropriated the amount. There is no change in circumstances and no grounds are made out to entertain the second application for pre-arrest bail. Hence, the application is dismissed.

(SMT. ANUJA PRABHUDESSAI, J.)