

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

ANTICIPATORY BAIL APPLICATION NO.538 OF 2024

1. Jarribanda Venkata Rami Reddy, &
2. Naeem Abdul Rehman Applicants
Versus
The State of Maharashtra Respondent

**.....
WITH
INTERIM APPLICATION NO.909 OF 2024
IN
ANTICIPATORY BAIL APPLICATION NO.538 OF 2024**

Mr. Rajkumar Awasthi, Advocate a/w. Fayzan Khan, B. Sayyed
i/b. Pragya Mishra for the Applicants.
Mr. Swapnil V. Walve, APP for the Respondent-State.
Mr. Marmik Shah, Advocate for the Intervenor.

CORAM : SARANG V. KOTWAL, J.

DATE : 03rd OCTOBER, 2024

P.C. :

1. The Applicants are seeking anticipatory bail in
connection with C.R.No.327/2023 registered at MRA Marg

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Police Station, Mumbai on 22.12.2023 under Sections 408, 420, 464, 465, 467, 468, 471, 34, 120-B of IPC and under Section 66-D of the Information Technology Act.

2. Heard Mr. Rajkumar Awasthi, learned counsel for the Applicants, Mr. Swapnil Walve, learned APP for the Respondent-State and Mr. Marmik Shah, learned counsel for the Intervenor.

3. The Applicants are the Directors of M/s. Sinai Maritime Services Private Limited (for short, 'the Applicants' Company'). The FIR is lodged by Pallavi Patil working with Hind Offshore Private Limited (for short, 'the Complainant Company'). It is mentioned in the FIR that the Complainant Company was in the business of giving the ships on hire, providing catering and house-keeping services on the ships. One Manish Kshirsagar was the Director of the Complainant Company. In 2008, one Ritesh Fernandes was appointed as a Consultant of the Complainant Company for getting the customers and increasing the company's business. The allegations are that the main accused Ritesh Fernandes

connived with the rival companies and started recommending those rival companies to other customers. The Applicants' Company was a rival company of the Complainant Company. Ritesh floated different companies in the name of his friends and relatives. The brokerage collected from the Complainant Company was deposited in those company's accounts and was siphoned off. The allegations against the Applicants Company is that the main accused Ritesh had recommended the Applicants Company for business instead of looking after the interest of the Complainant Company. In the process, the Applicants' Company and its sister concerns gained unlawful and unfair monetary benefits. On all these allegations, the FIR is lodged.

4. Learned counsel for the Applicants submitted that the Applicants have attended the concerned police station and have cooperated with the investigation. The investigation is completed and the charge-sheet is already filed. He submitted that the Complainant Company had given no objection for granting bail to the main accused Ritesh Fernandes. He relied

on the order dated 7.8.2024 passed by a coordinate Bench of this Court (Coram: Shyam C. Chandak, J.) in Writ Petition [Stamp] No.10289/2024. This order was in respect of de-freezing the Complainant Company's account. Said order dated 7.8.2024 mentions that the amount of Rs.1.73 Crores was secured. That was the amount attributed to the Applicants' Company. Thus the alleged amount of misappropriation as far as the Complainant Company is concerned, is secured. The main accused Ritesh Fernandes was granted bail. At that time the Complainant Company had given no objection. The Applicants have cooperated with the investigation. In this background, their custodial interrogation is not necessary.

5. Learned counsel for the first informant opposed grant of protection to the Applicants. However, he conceded that the order passed in Writ Petition [Stamp] No.10289/2024 pertains to the total amount attributed to the present Applicants' Company and that they had given no objection for grant of bail to Ritesh Fernandes.

6. Learned APP, on instructions, has stated that the Applicants have attended the concerned police station and have cooperated with the investigation. The charge-sheet is already filed against all the accused, including the present Applicants.

7. I have considered these submissions. The order dated 7.8.2024 passed in Writ Petition [Stamp] No.10289/2024 indicates that the amount of Rs.1.73 Crores which is attributed to the present Applicants Company in this offence, is already secured. The Applicants have cooperated with the investigation. The main accused Ritesh Fernandes is granted bail and at that time the Complainant Company had given no objection for granting him bail. The Applicants have cooperated with the investigation which is already over. The charge-sheet is already filed. Therefore, the Applicants' custodial interrogation is not necessary. They can be protected by an order under Section 438 of Cr.PC..

8. Hence, the following order :

ORDER

- (i) In the event of their arrest in connection with C.R. No.327/2023 registered with MRA Marg Police Station, Mumbai, the Applicants are directed to be released on bail on their furnishing PR bonds in the sum of Rs.50,000/- each (Rupees Fifty Thousand Only) with one or two sureties each in the like amount.
- (ii) The Applicants shall attend the concerned police station as and when called and shall cooperate with the further investigation, if any.
- (iii) Anticipatory Bail Application is disposed of accordingly. With disposal of Anticipatory Bail Application, intervention application is also disposed of.

(SARANG V. KOTWAL, J.)

Deshmane (PS)