IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

Anticipatory Bail Application No.2095 of 2024

Arti Sunil Singh @ Arti Sunil Mourya
Hindu Adult, Aged about 24 years,
R/off : Gut No.28 (Part), Near Green city
Flat No.302, Wing-H, Amber Heights,
Pada, Ambernath, Dist.Thane-421501 ...Applicant.

Vs.

The State of Maharashtra
Through Sr. PI, MIDC Police Station,
Mumbai. ...Respondent.

Mr Hitesh Mulwani i/by Amit Singh for the Applicant.
Ms Supriya Kak, APP for the Respondent – State.
Mr Pritesh Burad a/w Samita Variya a/w Shriya Sardal i/by Pritesh Burad Associates for the Intervenor.
PSI Anandrao Kashid, MIDC Police Station, Mumbai, is present.

Coram: R. N. Laddha, J.
Date: 16 August 2024

P.C.

Heard Mr Hitesh Mulwani, the learned Counsel appearing on behalf of the applicant; Ms Supriya Kak, the learned Additional Public Prosecutor representing the respondent- State, and Mr Pritesh Burad for the intervenor.

2. This is an application filed by the applicant seeking bail in anticipation of arrest in connection with CR No.906 of 2021, registered at MIDC Police Station, Mumbai, for the offences punishable under Sections 408, 420, 465, 467, 468, 471 read with 34 of the Indian Penal Code (IPC).

3. According to the prosecution, the first informant is the director of Afita Construction Private Limited, a construction company. The company appointed Sunilkumar Mourya, the applicant's husband, as Project Manager, responsible for maintaining records and sanctioning suppliers' bills. In January 2021, Additional Project Manager, Balbir Singh discovered discrepancies in vehicle records at Pithampur site, with bills sanctioned and paid for vehicles that never arrived. Investigation revealed that Sunilkumar Mourya had instructed the storekeeper to make false entries. Furthermore, Rs.70,000/- was deposited into the applicant's account on 24 and 27 January 2020. The inquiry exposed a scheme where accused individuals made false entries for goods and vehicles, sanctioned bills, and split the payments between suppliers and themselves. Bank statements showed that Rs.5,00,000/- was deposited into the accounts of the co-accused and the applicant between December 2020 and March 2021. It is alleged that all accused individuals conspired to misappropriate Rs.1,13,70,326/-.

4. Upon reviewing the records, it is evident that the applicant is wife of co-accused Sunilkumar Mourya, and another co-accused is her sister. Sunil Kumar was working as Project Manager at the company in question. The records show that a significant amount of Rs.36,23,100/- was transferred to the applicant and her sister's account through various means overtime. There is nothing on record to suggest that the

applicant has a legitimate source of income or is engaged in any business or employment. Although the applicant claims to have no involvement in her husband's transactions, large sums were regularly withdrawn from her bank account, indicating her awareness of these transactions. Her claim of unawareness is undermined by her signature on withdrawal documents. Additionally, her anticipatory bail was rejected in June 2022 by the Sessions Court, and she has been uncooperative with the investigation since then. The present application, filed on 20 July 2024, offers no explanation for the delay. Given the nascent stage of the investigation, and the circumstances above, this Court is not inclined to grant the relief of anticipatory bail to the applicant. Accordingly, the application stands rejected.

5. It is clarified that the observations made hereinabove are confined to determine entitlement to pre-arrest bail only.

[R. N. Laddha, J.]