IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.2199 OF 2024

V. Bhaskar .... Applicant

versus

The State of Maharashtra .... Respondent

…….

- Mr. Aabad Ponda, Senior Advocate, appeared through VC a/w Aseem Naphade a/w Kiran Mohite a/w Ms. Deepika Mule i/b. Manoj Kondekar, Advocate for Applicant.
- Smt. Sangita D. Shinde, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 14th AUGUST, 2024

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.202/2024, dated 08/04/2024, registered with Andheri Police Station, Mumbai, under sections 406, 420, 465, 467, 468, 471 r/w 34 of the Indian Penal Code.

2. Heard Mr. Aabad Ponda, learned Senior Counsel for the Applicant and Smt. Sangita D. Shinde, learned APP for the State.

3. The FIR is lodged by one Rajdip Saini. He was working for M/s. Smridhi Sponge Limited and Emmar Alloys Private Limited. Their office is at Andheri. Their company is in the business of making iron pieces, for which the company required raw material of iron ores. The company used to procure that raw material from various mines in Madhya Pradesh and Orissa. For transportation of that raw material, they used to issue work orders to various transport companies. In 2021, one agent Fahim Khan introduced the complainant company's Director Sujitkumar to M/s Mulura Logistics Private Limited (hereinafter referred to as Mulura). One Mudassar and Dipesh were the Directors of the said company Mulura. The complainant company gave work orders to Mulura for transportation job. They had entered into an agreement. Mulura, in turn, engaged SKI Logitech Private Limited, at Bhuvaneshwar, who in turn hired local transporters. The arrangement was that the complainant company used to make payment to Mulura. Mulura used to send invoices to the complainant on the letterhead of Ezyhaul company. After the complainant made payment, it was further paid to SKI Logitech Pvt. Ltd. and then to local transporters. Subsequently, the local

transporters complained to the company that they were not getting their dues within time. The complainant company made enquiries and had a discussion with Mulura officers. In January 2022, Mulura was taken over by DHL. At that time, the complainant came to know that one Santosh Ayyar and Sudha Pai were the Directors of Mulura. In March 2022, Mulura asked for the outstanding dues to the tune of Rs.3,98,82,046/- from the complainant company. Suspicion was raised at the end of the complainant company. Therefore, they stopped making payment to Mulura since 24/04/2022. The local transporters were paid directly by the company to the tune of more than Rs.3 Crores. The complainant/company pursued this matter with Mulura asking them to submit invoices and bills. It is alleged that the General Manager of Mulura i.e. the present Applicant sent invoices and bills in Ezyhaul company's name as well. They did not send any supporting documents. The FIR thereafter goes on to mention that these invoices were forged. The truck numbers mentioned on the bills were false and at some places the registration numbers of the two wheelers were used. Some bills were submitted for transportation within a short time, which was not possible. Thus, in general the complainant company realized that the Mulura had obtained Rs.5,89,38,451/- by submitting forged bills to the tune of more than Rs.9 Crores. Therefore, the FIR was lodged against Santosh Ayyar, Sudha Pai and the present Applicant.

4. Learned Senior Counsel for the Applicant submitted that the other two co-accused i.e. Santosh Ayyar and Sudha Pai had approached this Court for anticipatory bail. At that time, initially they were protected by ad-interim relief and were directed to attend the concerned police station. On the next occasion, the Investigating Officer, made a statement to the learned APP that those two accused had co-operated with the investigation and the investigating agency did not want their custody. When ad-interim relief was granted to these two accused, submission was made on their behalf that the concerned bills and the invoices were raised till November 2021. Those two accused had come into picture as Directors of Mulura from January 2022 when DHL had taken over Mulura.

5. Learned Senior Counsel appearing for the Applicant today relied on Ex.B of this application, which mentions that the Applicant was engaged by Mulura as a professional consultant from 26/08/2022. Therefore, even his case is similar to that of the other two co-accused, whose custody was not sought by the Investigating agency.

6. Learned APP seeks time to respond to these submissions. She also seeks time to take instructions as to whether the earlier Directors were responsible for creating these documents. It is submitted that the Applicant be directed to attend the concerned police station on particular dates and be directed to cooperate with the investigation.

7. Considering both these submissions made by the rival parties, today the Applicant can be protected by way of ad-interim relief with directions to attend the concerned police station and to cooperate with the investigation.

8. Hence, the following order :

O R D E R

(i) In the event of his arrest in connection with C.R.No.202/2024, dated 08/04/2024, registered with Andheri Police Station, Mumbai, till the next date, the Applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.

(ii) The Applicant shall attend the concerned Police Station from 27/08/2024 to 30/08/2024 between 01.00 p.m. to 05.00 p.m. and thereafter as and when called and shall cooperate with the investigation.

(iii) This order shall operate till 19/09/2024.

(iv) Stand over to 19/09/2024.

(SARANG V. KOTWAL, J.)