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. Amit Desai, Senior Advocate a/w. Gopala Krishna Shenoy, Anjali Awasthi, Raj Awasthi, Siddharth Awasthi for the Applicants.

Ms. Rajeshree V. Newton, APP for the Respondent-State.

Mr. Kushal Mor, Advocate a/w. Marmik Shah, Tanmay for the Intervenor.

CORAM : SARANG V. KOTWAL, J.

DATE : 8th MARCH, 2024

P.C. :

1. The Applicants are seeking anticipatory bail in connection with C.R.No.327/2023 registered with MRA Marg Police Station, Mumbai on 22.12.2023 under Sections 120-B, 408, 420, 464, 465, 467, 468 and 471 read with 34 of IPC and under Section 66(D) of the Information Technology Act.

2. Heard Mr. Amit Desai, learned Senior Counsel for the Applicants, Ms. Rajeshree Newton, learned APP for the Respondent-State and Mr. Kushal Mor, learned counsel for the Intervenor.

3. The Applicants are the Directors of M/s. Sinai Maritime Services Private Limited. The FIR is lodged by one Pallavi Patil working with M/s. Hind Offshore Private Limited (hereinafter referred to as the 'complainant company'). It is mentioned in the FIR that the complainant company was in the business of giving ships on hire, providing catering and housekeeping services on the ships.

One Manish Kshirsagar was a Director of the company. In 2008 one Ritesh Fernandes was appointed as a Consultant for the complainant company for getting the customers and enhancing the company's business. Since 2017, he was appointed as the Business Head. The allegations in the FIR are that said Ritesh connived with the rival companies of the complainant company and started recommending those rival companies to other customers. In the process he obtained brokerage. He floated different companies which were in the name of his friends and relatives. The brokerage collected from the complainant company was deposited in those companies and it was siphoned off. Those were fraudulent transactions. As far as the Applicants' company Sinai Maritime Services is concerned, the allegations are that in one email dated 8.5.2018, Ritesh addressed that email to M/s. Sapura Energy Berhad Engineering Services which was the customer of the complainant company. He had addressed that email to the Directors of M/s. Sapura Energy. He blatantly recommended the Applicants' company to the complainant company's customer M/s.Sapura Energy. The allegations are that the Applicants' company M/s. Sinai Maritime Services Pvt. Ltd. was a rival company of the complainant company and, therefore, Ritesh conspired with the Applicants' company to take away the business of the complainant company. In the FIR it was mentioned that said accused Ritesh was instrumental in siphoning off Rs.3,82,55,568/- as brokerage illegally. On this basis, the FIR is lodged.

4. Now the allegations are that the Applicants' company has a sister-concern by the name Royal Continental Services. Learned counsel for the complainant company as well as learned APP submitted that certain amount of brokerage taken from the complainant company was deposited in the account of this Royal Continental Services. This company was used by the present Applicants with deliberate intention because otherwise the complainant company would not have paid any brokerage to the sister concern of their rival company i.e. M/s. Sinai Maritime

Services Pvt. Ltd. They submitted that this shows that there was conspiracy between Ritesh and the Applicants' companies. Thereby they have cheated the complainant company and they caused substantial financial loss.

5. Shri Amit Desai, learned Senior Counsel appearing for the Applicants submitted that said Royal Continental Services had in fact provided services to the complainant company as well as their customers and, therefore, they were legitimately entitled to claim brokerage from the complainant company which they have received. There is nothing wrong in all these transactions. There was no fraudulent aspect in their transactions. They are purely commercial transactions.

6. Considering both these submissions, it is necessary for the investigating agency to verify the claims of both the parties i.e. the complainant company as well as the Applicants' companies and verify the documents. Therefore, as of today the Applicants can be protected by ad-interim relief with directions to attend the concerned police station

with necessary documents and with directions to cooperate with the investigation. 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, till the next date, the Applicants be released on bail on their executing P.R. bonds in the sum of Rs.30,000/- each (Rupees Thirty Thousand Only) with one or two sureties each in the like amount.

(ii) This order shall operate till 18.4.2024.

(iii) The Applicants shall attend the concerned Police Station with all necessary documents from 18.3.2024 to 21.3.2024 between 1:00 p.m. to 5:00 p.m. and thereafter as and when called. They shall cooperate with the investigation.

(iv) Stand over to 18.4.2024.

(SARANG V. KOTWAL, J.)

PRADIPKUMAR PRAKASHRAO DESHMANE

Digitally signed by PRADIPKUMAR PRAKASHRAO DESHMANE
Date: 2024.03.11 12:02:20 +0530