HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.2345 OF 2024

Vicky Durairaj Naikar .. Applicant

Versus

The State of Maharashtra .. Respondent

.....

- Mr. Tohid Shaikh, Advocate i/by Ms. Anjali Patil for Applicant.
- Ms. Megha S. Bajoria, APP for Respondent.

.....

CORAM : MILIND N. JADHAV, J.

DATE : FEBRUARY 17, 2025

P.C.:

1. Mentioned out of turn at the time of rising of the Court.

2. Heard Mr. Shaikh, learned Advocate for Applicant and Ms. Bajoria, learned APP for Respondent.

3. Mr. Shaikh would submit that Applicant is indicted for offences punishable under Sections 406, 409, 419, 420, 467, 468, 417, 120(B) and 34 of the Indian Penal Code, 1860 (for short '**IPC**') and is arraigned as Accused No.2 in the crime. He is incarcerated since 25.01.2024. He would submit that admittedly Applicant is an employee of principal Accused i.e. Accused No.5. He would submit that Applicant was employed by Accused No.5 for 6 months prior to the occurrence of the incident for the purpose of collecting documents, scrutinizing and verifying the documents and handing over the said documents to Accused No.5.

4. Mr. Shaikh would submit that Complainant desired to take a substantial loan and approached Accused No.5 directly and Accused No.5 informed Complainant that one of his employee namely Applicant would come and collect the documents from Complainant. He would submit that Applicant collected the said documents and handed them over to Accused No.5 and said documents also contained a cheque of Rs.2,00,000/-. He would submit that before that transaction would go through, Complainant gave instructions for stopping the payment of cheque because of which that transaction failed.

5. Mr. Shaikh would submit that Complainant after few days approached Accused No.5 for loan. This time Complainant directly approached Accused No.5 and sought loan from him. For doing so Complainant was called to pay an amount of Rs.96,00,000/- upfront to Accused No.5 since the loan which Complainant desired to take from Accused No.5 was for Rs.20 Crores. He would submit that said amount given by Complainant was usurped by Accused No.5 and the loan was not granted to him, which led the Complainant to file the present Complaint. He would submit that role of present Applicant as an employee of Accused No.5 was there in the first instance only when he had gone to collect the documents from Complainant and handed them over to Accused No.5. He would submit that Applicant is also not a recipient of any money from Accused No.5.

6. In view of the above, learned APP shall take appropriate instructions from Investigating Officer as to specific role of Applicant in the crime in question and whether Applicant has received any ground from the Complainant or Accused No.5 and inform the Court on the next adjourned date.

7. Stand over to **18th March, 2025 at 02:30 p.m**.

H. H. SAWANT

[MILIND N. JADHAV, J.]

HARSHADA HANUMANT SAWANT

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