

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 2283 OF 2024

Vishal Bhartiya

..... Applicant

VERSUS

The State of Maharashtra

..... Respondent

Ms.Sanchita P. Sontakke a/w. Mr. Karan Gajra for the Applicant.

Mr.Anand S. Shalgaonkar, A.P.P for the State.

Mr. V. S. Khajekar, PSI, Sakinaka Police Station.

CORAM : RAJESH S. PATIL, J.

DATE : 28th JANUARY, 2025

P.C. :-

1. The applicant is seeking anticipatory bail in connection with FIR No. 0382 dated 13th May, 2024 registered with Sakinaka Police Station, Brihan Mumbai Shahr for offences punishable under Sections 408 and 420 of the Indian Penal Code, 1860.

2. The complaint has been filed by an employee on behalf of M/s.Rank International Company. It is their case that the applicant

Vishal Bhartiya was appointed to look after the work of the company at Hyderabad, Telangana and some parts of the Maharashtra. The applicant/accused used to sell the product of gold and silver of the company in the said region. After sales, the customer used to pay the amount directly in the account of M/s.Rank International Company. Till January 2024, the accused promptly used to inform about the sale of the gold and silver products and the payment of that products used to be made by the customers to the company.

3. It is further narrated in the complaint that after January 2024, the payments from the customers with whom the accused dealt with stopped and the accused started to avoid giving answers. Hence, the company made enquiry and after such enquiry, it came to the knowledge of the company that the accused has purposely showed his difficulty as the payments were belatedly received. However the informant gave the applicant/accused a weeks time to make payments. However, thereafter also the payments were not received promptly and the information was also not given by the applicant/accused. Due to this, the company made enquiry with some some of the customers and

it was found that the said customers have made payments. When the company made enquiry with the applicant/accused, he sought a week's time to make payment. As after a week, the payment was not received, the company further made enquiries with the complainant and upon such enquiry it was found that the customers had already made payment. As the payments were not received from the accused, the company lodged an FIR against the applicant. The applicant had filed an anticipatory bail application with the Sessions Court. After hearing the applicant, the said anticipatory bail application filed in the Sessions Court was rejected by an order dated 25th July, 2024.

4. The learned A.P.P. has contended that Sonubhai of Gayatri Jewellers has been added as an accused in the present proceedings. It is further stated by the A.P.P. that the accused has committed an offence to the tune of Rs.25 lacs. Hence, Sessions Court has rightly rejected the anticipatory bail application.

5. The A.P.P. submits that Section 41A of the Code of Criminal Procedure notice was given to the applicant. However, he failed to file

reply to the same. Hence, learned A.P.P. seeks rejection of Anticipatory Bail Application.

6. I have heard learned advocate for both the sides. It is a matter of record that the police had been at Hyderabad for enquiry for Gayatri Jewellers and Sonubhai. They have now added Sonubhai as accused in the FIR lodged on the complaint of the informant company. It has been found that after receipt of the gold and silver products, the customers have already made payments to the accused/present applicant. However, the present applicant has not forwarded that payment to the complainant. The learned A.P.P. submits that the custody of the applicant would be necessary in order to interrogate with regard to siphoning of monies to the tune of Rs.29,82,017/-.

7. It is a matter of fact that the present applicant is absconding and is not co-operating with the police. Hence, according to me no case is made out to grant anticipatory bail. **Anticipatory Bail Application is rejected.**

[RAJESH S. PATIL, J.]