IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.604 OF 2025

SRIKANT J SHRIVASTAV ...APPLICANT
VS
THE STATE OF MAHARASHTRA ...RESPONDENT

...

Adv. Vaibhav Bugade a/w Aman Kothari Dishang Shah i/b Adv. Kalekar for the applicant.
Adv. Rutuja A. Ambekar, APP for the State.

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CORAM : RAJESH S. PATIL, J.

DATED : MARCH 5, 2025

P.C.:

1. The applicant has filed the present application for grant of pre-arrest bail under Section 482 of the Gharatiaya Nagarik Surakhsa Sanhita, 2023 (BNSS) for enlarging him on bail in C. R. No. 1/2025 registered at N. M. Joshi Marg Police Station, Mumbai for the offences punishable under Sections 406, 419 and 420 of the Indian Penal Code, 1860.

2. It is a case of the informant that he was into a business of renting premises through his firm called as “Navkar Business Services” whose one of the client was “Triumph”, a USA based company, dealing into renting residential premises at USA. The informant while started

his business, employed the present applicant as an Accountant/Book Keeper and substantially, the applicant was promoted as a General Manager. It is further alleged in the FIR that as the informant understood the trade secrets, he represented himself as a co-owner of Navkar Business Services to agents Delnaz Dadachangi and others of Triumph Residential Services. Accordingly, after the deals of residential flats were completed, the commission which was supposed to be paid to Triumph, was credited to the personal account of the informant and thereafter the said amount was transferred by the informant to the account of his close relatives. The said transaction took place between January 2022 to October, 2023. Therefore, in all the applicant had deceived the informant's company for an amount of Rs. 2,05,00,000/-. On the basis of which, the FIR has been lodged.

3. Mr. Bugade, learned counsel for the applicant submits that though the FIR in the present proceeding has been lodged on 2 July 2024, in an illegal manner, the informant has tried to extract monies from the applicant and his family members. On 4 October 2023, the informant was assaulted and pursuant to which, with a fraudulent method, there were transferred of monies from the account of the applicant's wife of around Rs. 1,30,40,000/- to the account of the said informant. So also with force and coercion gift deeds had been executed in favour of the first informant. So also, the car belonging to the

applicant was transferred in the name of the first informant. He submitted that at page 150, further complaints have been lodged by the applicant on 9 February 2025 and pursuant to an assault on the applicant on 25 February, 2025, complaints have been lodged in Surat, Gujrat. He submits that it is nobodies case that the monies received by the first informant in his account or in his companies account have come to the account of the present applicant or his relatives. All that has been argued or complaint by the first informant is that monies which were supposed to be received by the first informant, has been received illegally by the applicant. He submits that a notice under Section 41 of the Cr.P.C. was received by the applicant, pursuant to which, the applicant attended the office of investigating officer on 6 September 2024 and on 9 January, 2025. The passport of the applicant is in custody of the first informant. He submitted that the applicant has co-operated with the investigating officer. Therefore, there is no need for arrest of the present applicant.

4. The learned APP submits that a huge amount of transaction of Rs.2,05,00,000/- has been taken place. Monies have been transferred in the account of the present applicant, his spouse and relatives. She submits that going by the complaint, it can be seen that the applicant has played fraud on his own employer. She submitted that the applicant has purchased properties and gold, the source of that monies has not

been disclosed. Hence, the custody of the present applicant would be required so as to find out the trail of money.

5. I have heard both the sides and with their help, I have gone through the copy of the FIR and documents on record. It is nobodies case that the monies received in the account of the first informant has been fraudulently transferred by the applicant to his account or to his relatives accounts. The case of the first informant in short is that he is dealing into the business of marketing for renting premises of company called as Triumph. The said company is the USA based company which deals into the residential premises and more particularly into giving premises to the USA residence on rental basis. For marketing their business, a sort of agency is created in favour of the firms like Navkar. The first informant is the person, who owns the said firm Navkar. The present applicant was an employee of the first informant, who amongst his duty used to also handle the work of Triumph, USA. The transaction which took place of Triumph through Navkar, commissions were supposed to be payable. No doubt that there are entries of monies transferred from Triumph to applicant but the fact that whether this commissions were payable to Navkar or not can be found out only at trial. Therefore, at this state, according to me, the custody of the present applicant would not be necessary.

6. Hence, the present anticipatory bail application requires to

be granted. Hence, I pass the following order.

ORDER

(i) **Anticipatory Bail Application is allowed**.

(ii) The applicant be released on bail in C.R. No. 1/2025 registered with N. M. Joshi Marg Police Station, Mumbai on furnishing a PR bond of the sum of Rs. 30,000/- (Thirty thousand only) and one or two local sureties in the like amount to the satisfaction of the jurisdictional Court.

(iii) The applicant shall attend the concerned police station on 12 March 2025 and 13 March 2025 between 11.00 am to 1.00 pm and thereafter as and when called for.

(iv) If the applicant desires to travel outside country, he shall take permission from the Trial Court.

(v) The applicant shall not tamper with the prosecution evidence. The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any police officer.

(vi) The applicant shall furnish his contact number, E-mail id and residential address to the Investigating Officer and if there is any change he shall inform the concerned investigating officer.

7. **Anticipatory Bail Application is accordingly disposed off as allowed**.

(RAJESH S. PATIL, J.)