IN THE HIGH COURT OF JUDICATURE AT BOMBAY NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (APPP) NO. 179 OF 2025
IN
CRIMINAL APPLICATION (ABA) NO. 21 OF 2025

MOHAMMAD ARIF MALIK

...**VERSUS**...

STATE OF MAHARASHTRA THR. POLICE STATION OFFICER, WADI NAGPUR

Office Notes, Office Memoranda of Coram, appearances, Court's orders of directions and Registrar's orders.	*Court's or Judge's order*

Shri Ejaz Khan, Advocate h/f. Shri C.J.Dhruv, Advocate for applicant.
Shri C.A.Lokhande, APP for non-applicant/State.
Shri S.S.Sohoni, Advocate h/f. P.S.Jaiswal, Advocate for assist to prosecution (for complainant).

CORAM : URMILA JOSHI-PHALKE, J.

DATE : 02nd MAY, 2025

By this application, the complainant seeks permission to engage the counsel to assist the prosecution.

2. In view of reasons mentioned in the application, the application is allowed.

3. Permission is granted to engage the counsel to assist the prosecution.

4. Accordingly, the application is **disposed of**.

CRIMINAL APPLICATION (ABA) NO. 21 OF 2025

5. Apprehending the arrest at the hands of police in connection with Crime No. 360/2023 registered under Sections 408, 420, 465, 468, 471 r/w. Section 34 of IPC, the applicant approached before this Court for grant of pre-arrest bail.

6. The crime is registered on the basis of report lodged by the informant Amin Ajij Kharva that the present applicant and the other co-accused were the employees of the company by

name “Prime Logistics” and Prime Cargo Movers owned by the informant. They have cheated the informant and misappropriated the total amount of Rs. 7,73,27,496/-. The modus operandi of the present applicant and the other co-accused is that, they have created fake documents of the said company and other firms associated to the said company, obtaining the rights of the said firms and misused the same by creating bogus firms matching the name of the companies dealing with the said company of the informant and transferred the amount from the said company of the informant. The accused/applicant and co-accused have not only cheated in the above manner but also the amount of PF and ESIC of multiple employees as well as employer informant has been transferred by them to their own account by using their forged signatures for DSC and passwords. On the basis of said report, the police have registered the crime against present applicant.

7. Heard learned counsel for the applicant who submitted that the applicant and the informant are relatives and it was the informant who has opened the various companies in the name of present applicant and now filed a false report against him. He submitted that these are the amounts which are of the company as the company is opened in the name of the present applicant, it is shown against the present applicant. He submitted that throughout he has co-operated with the Investigating Agency. The applicant was looking after the transport work in the said company and he was not at all consent with any account transactions of the company. He further invited my attention towards the order passed by the Division Bench of this Court wherein the Division Bench has

considered the same and directed the Investigation Officer to investigate but not to file the charge-sheet. He further submitted that the applicant is suffering from the mouth cancer and has undergone the surgery and he requires the care and medical attention for the same. Thus, he submitted that, considering the nature of the material collected during investigation, his custodial interrogation is not required and hence, he be released on bail in the event of arrest.

8. Learned APP for the State and learned counsel for the complainant strongly opposed for the same on the ground that the I.T. reports of the present applicant shows that he has only paid the Income Tax of Rs. 35,00,000/- whereas the transaction against him is shown as Rs. 22,88,93,067/- They invited my attention towards the bank accounts and submitted that, these bank accounts' transactions sufficiently show the modus operandi of the present applicant. Thus, considering the various entries in his accounts sufficiently show his involvement in the misappropriate of the amount. Learned APP further submitted that the applicant has purchased 51 trucks by siphoning the said amount and he has not shown any other source of income before the Investigating Agency. Thus, considering the prima facie material against the present applicant, his custodial interrogation is required and in view of that, he pressed for rejection of the application.

9. After hearing both the sides and on perusal of the investigation papers especially the bank accounts that, the transaction in the bank accounts of the present applicant is more than Rs. 22 Crores. The income of the present applicant

shown for the tax purpose is much less than 'H' and he has only paid the income tax of Rs. 35,00,000/- on the said amount. Thus, considering the bank statements, the involvement of the present applicant reveals in the said crime.

10. The stake of the misappropriation is also a huge one i.e. of Rs. 7,73,27,496/-. Considering the involvement of the present applicant in the economic offence, his custodial interrogation is required and therefore, the prayer for grant of anticipatory bail deserves to be rejected.

11. Accordingly, the present application is **rejected**.

(URMILA JOSHI-PHALKE, J.)

B.T.Khapekar