

**FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
CRIMINAL APPELLATE JURISDICTION.**

ANTICIPATORY BAIL APPLICATION NO. 2214 OF 2016

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr.Akhilesh Singh a/w Manish Dubey for the Applicant.

Mrs. N.S. Jain, A.P.P. for the Respondent/State.

**CORAM : K. K. TATED, J.
(VACATION COURT)**

DATED : 30/12/2016

PC.:

. Heard learned Counsel for the parties.

2 In the present proceeding, the learned Sessions Judge, Greater Mumbai rejected the Applicant's Anticipatory Bail Application by order dated 17.12.2016 on the ground that the applicant collected the money in the name of non existing company i.e. United Agarbatti. Not only that, brother of the applicant has issued the bogus bills to the complainant.

3 The learned Counsel for the Applicant submits that in the present proceeding, the entire cause of action arose because of acts done by his brother. He submits that he was acting just as an agent for his brother. He submits that whatever amount was

deposited in his account was for only for enhancing their business. He submits that since the date of filing of FIR, they are co-operating the police Authority. Hence, there is no question of custodial interrogation of the applicant. He further submits that during the pendency of the present proceeding, he already returned sum of Rs.51,000/-. Hence, in the interest of justice, this Hon'ble Court be pleased to allow the present applicant.

4 On the other hand, the learned APP vehemently opposed the present application. She submits that even the during pendency of the investigation the applicant issued cheque of Rs.3,07,000/- in the name of Umbrella Logistics Solution and Services Pvt. Ltd. The payment of the said cheque was stopped by the applicant. This itself shows that the applicant with an intention to cheat the complainant issued the bogus bills with connivances with his brother. Hence, there is no question of allowing the present application.

5 It is to be noted that there is no dispute that the applicant with his brother used to collect the amount in the name of non existing company known as "United Agarbatti".

6 Apart from that the Trial Court specifically recorded in paragraph 7 of the impugned order that brother of the applicant used bogus bills for

collecting money.

7 Considering these facts and as the investigation is not completed, I do not find any reason to entertain the present application.

8 Hence, present application is rejected.

(K.K.TATED, J.)