

MHCC020171752022



IN THE COURT OF SESSIONS FOR GREATER BOMBAY

AT MUMBAI

ANTICIPATORY BAIL APPLICATION NO. 2806 OF 2022

(CNR NO.: MHCC02-017175-2022)

Ajit Ramdhar Sharma

Age:- 34 years, Occ.:- Service

Address:- Room No. 91,

Sukh Sagar Chawl,

Behind Hanuman Mandir,

Near Hanuman Mandir,

Ghodbundar Road,

Thane – 400 607

...Applicant/Accused

V/s.

The State of Maharashtra,

(At the instance of Sion

Police Station vide C.R.No.425/2022)

...Respondent/State.

Appearance:-

Ld. Adv. Komal Gosavi h/f. Adv. Amit Mishra for the applicant/accused.

Ld. Addl. P.P., Seema Deshpande, for the State/respondent.

CORAM : H.H. THE ADDL. SESSIONS JUDGE

ANAND PANDURANG KANADE (C.R.60)

DATE : 25.01.2023.

ORDER

1. Vide present application under Section 438 of Code of Criminal Procedure, the applicant requested to release him on anticipatory bail in Crime No. 425 of 2022 registered at Sion Police Station for offences punishable under Section 408 of the Indian Penal Code.

2. **Prosecution case in brief is as under :-**

The complainant, Andren Francis D'souza is working as a Customer Service Manager in Runwal Group of Construction. The Runwal Group of Companies is engaged in the construction business for more than 4 decades. The Runwal Group of Company has tie up agreement with H.D.F.C. Bank and I.C.I.C.I Bank for development of projects at various locations in Mumbai. There is business agreement between the company and the contracted bank, that when any customer books a flat in any project of Runwal Company and avails home loan facilities from any of the contracted banks, such a bank pays certain percentage to Runwal Company as a Connector fees and Runwal Company is entitled to get a commission of 0.4% as a Connector fees. It is alleged that on 15.10.2019, the present applicant was appointed as a Loan Manager in Runwal Residency Private Limited. On 01.06.2021, the applicant/accused was transferred to Head Office at Sion, Mumbai as a Loan Manager to connect the customer for bank for their home loans. In May, 2022, Runwal Group of Companies has conducted an internal audit. It was transpired that the present applicant has forwarded the customer's information of the said company to third parties instead of contracted bank. It is alleged that the amount of home loan connector fees which the Runwal Company should have received

was not received and third party has given some amount of connector fees to the present applicant/accused being kickback. In the investigation, it was noticed that from 01.06.2021 to 23.06.2021, the company has suffered the financial loss of Rs. 3,23,772/- towards the connector fees. The applicant/accused was providing personal information regarding the customer who books flat in Runwal Bliss to other banks rather than the same has to be provided to the contracted bank and through which the applicant is receiving the commission in the bank account. The applicant/accused has committed the breach of trust and the company has suffered loss of Rs. 2,23,775/-. Hence, the complainant Andren Francis D'souza lodged report against the applicant/accused with Sion Police Station.

3. On the basis of report, Crime No. 425 of 2022 has been registered against the applicant/accused. The applicant/accused has apprehension of his arrest in the said crime. Hence, he has filed the present application for pre-arrest bail. He raised grounds that the allegations in the F.I.R. are vague and absolutely baseless and there is no material to connect the applicant to the commission of alleged crime. The applicant/accused asked his incentives of Rs. 2 lakhs from the Company and in order to non-payment of that incentive, the present complaint is lodged against him. The applicant was terminated from his job and after his termination, the present complaint is filed against him. In the F.I.R., no specific details are given regarding exact data misused by the present applicant. The custodial interrogation of the applicant is not needed. He is ready to abide by the terms and conditions that may be imposed on him. Hence, this application.

4. The Ld. Addl. P.P. and Investigating Officer filed their say at Exh – 2 and resisted the bail application. It is submitted that there is possibility of tampering of prosecution evidence, if the applicant/accused is enlarged on bail. The investigation of present crime is going on. Considering the nature of the Modus Operandi of the applicant/accused, his custodial interrogation is necessary. Hence, it is prayed to reject the application.

5. Heard both the sides. Perused papers on record. It reveals that the Investigating Officer has recorded statement of witnesses and also secured the copies of various documents from Runwal Group of Companies. It also reveals that Investigating Officer has also secured the copies of bank statements of the applicant/accused. After going through the F.I.R., it prima-facie reveals that the case is based on the documentary evidence. The applicant/accused was serving as a Loan Manager and on 23.06.2022, he was terminated from the service and thereafter, the complaint is lodged against him. Considering the allegations in F.I.R., I am of view that the custodial interrogation of the applicant is not needed. The applicant/accused is permanent resident of Ghodbundar Road, Thane. He is ready to co-operate the investigation agency. For the aforesaid reasons, I am of view that application deserves to be allowed, but on certain conditions. Hence, following order.

:ORDER:

1. The Anticipatory Bail Application No. 2806 of 2022 is allowed as under:

2. In the event of arrest in Crime No. 425 of 2022 registered at Sion Police Station, the applicant **Ajit Ramdhar Sharma** be released on bail on executing personal bond of Rs. 20,000/- and surety bond of same amount.
3. The applicant shall attend the Sion Police Station on every Monday in between 11.00 a.m. to 01.00 p.m. till filing of the charge-sheet.
4. The applicant shall not make any inducement or threat to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer or tamper with the evidence.
5. The applicant shall not leave territorial limits of Mumbai without prior permission of the court.



(Anand P. Kanade)
Addl. Sessions Judge
Sessions Court,
Mumbai. C.R. 60

Dictated on : 25.01.2023
Transcribed on : 25.01.2023
Date of sign : 27.01.2023

“CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED JUDGMENT/ORDER”**27/01/2023 , 5.10 p.m.
UPLOAD DATE AND TIME****Mr. Prasad S. Pednekar
NAME OF STENOGRAPHER**

Name of the Judge (with Court Room No.)	HHJ Anand P. Kanade, (C.R.No.60) Addl. Sessions Judge., City Civil & Sessions Court, Mumbai
Date of pronouncement of /Order	25.01.2023
Order signed by P.O. on	27.01.2023
Order uploaded on	27.01.2023