

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
APPELLATE SIDE CRIMINAL JURISDICTION**

CR. ANTICIPATORY BAIL APPLN. NO. 2556 OF 2023

Sneha Baban Chavan ....APPLICANT

V/S

The State Of Maharashtra ....RESPONDENT

WITH

CR. ANTICIPATORY BAIL APPLN. NO. 2359 OF 2023

Vimal Jagdish Agarwal ....APPLICANT

V/S

State Of Maharashtra ....RESPONDENT

WITH

CR. ANTICIPATORY BAIL APPLN. NO. 1643 OF 2023

Rajesh Bhagwandas Agarwal ....APPLICANT

V/S

State Of Maharashtra ....RESPONDENT

WITH

CR. ANTICIPATORY BAIL APPLN. NO. 2270 OF 2023

Samixa Girish Agarwal And Ors ....APPLICANT

V/S

The State Of Maharashtra ....RESPONDENT

WITH

CRI-INTERIM APPLICATION NO. 4250 OF 2023

In

Cr. Anticipatory Bail Appln. 2556 OF 2023

Ammeet Kamal Agarwal

....PETITIONER

V/S

The State Of Maharashtra

....RESPONDENT

**CORAM :** HON'BLE SHRI JUSTICE N. R. BORKAR J

**DATE :** 25th February, 2026

**P.C. :**

Due to paucity of time, stand over to 24/03/2026. Interim order, if any, to continue till then.

**( FOR REGISTRAR JUDICIAL - I )**

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
APPELLATE SIDE CRIMINAL JURISDICTION**

CR. ANTICIPATORY BAIL APPLN. NO. 2556 OF 2023

Sneha Baban Chavan ....APPLICANT

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In



Cr. Anticipatory Bail Appln. 2556 OF 2023

Ammeet Kamal Agarwal

....PETITIONER

V/S

The State Of Maharashtra

....RESPONDENT

**CORAM :** HON'BLE SHRI JUSTICE N. R. BORKAR J

**DATE :** 11th November, 2025

**P.C. :**

Due to paucity of time, stand over to 28/11/2025. Interim order, if any, to continue till then.

**( FOR REGISTRAR JUDICIAL - I )**

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
APPELLATE SIDE CRIMINAL JURISDICTION**

CR. ANTICIPATORY BAIL APPLN. NO. 2556 OF 2023

Sneha Baban Chavan ....APPLICANT

V/S

The State Of Maharashtra ....RESPONDENT

WITH

CR. ANTICIPATORY BAIL APPLN. NO. 1643 OF 2023

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Vimal Jagdish Agarwal ....APPLICANT

V/S

State Of Maharashtra ....RESPONDENT

WITH

CRI-INTERIM APPLICATION NO. 4250 OF 2023

In



Cr. Anticipatory Bail Appln. 2556 OF 2023

Ammeet Kamal Agarwal

....PETITIONER

V/S

The State Of Maharashtra

....RESPONDENT

**CORAM : HON'BLE SHRI JUSTICE N. R. BORKAR J**

**DATE : 9th October, 2025**

**P.C. :**

Due to paucity of time, stand over to 11/11/2025. Interim order, if any, to continue till then.

**( FOR REGISTRAR JUDICIAL - I )**

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
APPELLATE SIDE CRIMINAL JURISDICTION**

CR. ANTICIPATORY BAIL APPLN. NO. 2556 OF 2023

Sneha Baban Chavan ....APPLICANT

V/S

The State Of Maharashtra ....RESPONDENT

WITH

CR. ANTICIPATORY BAIL APPLN. NO. 2359 OF 2023

Vimal Jagdish Agarwal ....APPLICANT

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Samixa Girish Agarwal And Ors ....APPLICANT

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The State Of Maharashtra ....RESPONDENT

WITH

CRI-INTERIM APPLICATION NO. 4250 OF 2023

In



Cr. Anticipatory Bail Appln. 2556 OF 2023

Ammeet Kamal Agarwal

....PETITIONER

V/S

The State Of Maharashtra

....RESPONDENT

**CORAM :** HON'BLE SHRI JUSTICE N. R. BORKAR J

**DATE :** 18th September, 2025

**P.C. :**

Due to paucity of time, stand over to 09/10/2025. Interim order, if any, to continue till then.

( FOR REGISTRAR JUDICIAL - I )



Sayali Upasani

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION**

**ANTICIPATORY BAIL APPLICATION NO. 2556 OF 2023  
WITH  
INTERIM APPLICATION NO. 4250 OF 2023  
WITH  
ANTICIPATORY BAIL APPLICATION NO. 1643 OF 2023  
WITH  
INTERIM APPLICATION NO. 2798 OF 2023  
WITH  
ANTICIPATORY BAIL APPLICATION NO. 2270 OF 2023  
WITH  
ANTICIPATORY BAIL APPLICATION NO. 2359 OF 2023  
WITH  
INTERIM APPLICATION NO. 3127 OF 2023**

Sneha Baban Chavan

...Applicant

**Vs.**

State of Maharashtra

...Respondent

Ms. Praveena Venkatraman i/b Law Global, for Applicant in  
ABA/1643/2023, ABA/2270/2023 and ABA/2359/2023.

Mr. Prashant Jadhav, APP for State-Respondent No. 1.

Mr. P. Ranjan i/b Halai and Co., for Intervener/Applicant in  
IA/3127/2023.

Ms. Surbhi Soni, i/b MAV and Associates, for Applicant in  
ABA/2556/2023.

Mr. Sandeep Shinde, API, Sahar Police Station.

**CORAM:- N. J. JAMADAR, J.**

**DATED:- 12<sup>th</sup> MARCH, 2024**

**PC:-**

- 1) Heard the learned Counsel for the parties.
- 2) The learned APP invites attention of the Court to an order dated 14<sup>th</sup> September, 2023, passed by a Co-ordinate Bench of this Court, whereby the co-accused has been granted bail.
- 3) Registry to verify and list before appropriate Bench.
- 4) Ad-interim relief, granted earlier, shall continue to operate till the next date.

**[N. J. JAMADAR, J.]**



IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

**ANTICIPATORY BAIL APPLICATION NO.2556 OF 2023**

Sneha Baban Chavan ...Applicant  
vs.  
The State of Maharashtra ...Respondent

**WITH  
ANTICIPATORY BAIL APPLICATION NO.1643 OF 2023  
WITH  
ANTICIPATORY BAIL APPLICATION NO. 2270 OF 2023**

Rajesh Bhagwandas Agarwal ...Applicant  
vs.  
The State of Maharashtra ...Respondent

**WITH  
ANTICIPATORY BAIL APPLICATION NO.2359 OF 2023**

Vimal Jagdish Agarwal ...Applicant  
vs.  
The State of Maharashtra ...Respondent

Ms. Surbhi Soni a/w. Mr. Manish Verma i/b. MGV & Associates, for the Applicant in ABA No. 2556 of 2023.  
Mr. Subhash Jha (through VC) i/b. Law Global, for the Applicant in ABA No. 1643 of 2023 and ABA No. 2359 of 2023.  
Mrs. G.P. Mulekar, APP, for the Respondent/State.  
Mr. Yash Jain i/b. Halai & Co., for the Intervener.

**CORAM : N. J. JAMADAR, J.**  
**DATE : MARCH 05, 2024**

**P.C.:**

1. Heard the learned counsel for the applicant and the learned APP for the State.
2. The learned counsel for the applicant in ABA No. 2556 of

Vishal Parekar

...1

2023 seeks time to work out the matter.

3. List all these applications on 12<sup>th</sup> March, 2024.

4. Ad-interim relief granted earlier shall continue to operate till the next date.

5. The parties are put to notice that an endeavour would be made to hear and finally dispose of these applications.

**(N. J. JAMADAR, J.)**

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
APPELLATE SIDE CRIMINAL JURISDICTION**

CR. ANTICIPATORY BAIL APPLN. NO. 2556 OF 2023

Sneha Baban Chavan ....APPLICANT

V/S

The State Of Maharashtra ....RESPONDENT

WITH

CR. ANTICIPATORY BAIL APPLN. NO. 1643 OF 2023

Rajesh Bhagwandas Agarwal ....APPLICANT

V/S

State Of Maharashtra ....RESPONDENT

WITH

CR. ANTICIPATORY BAIL APPLN. NO. 2270 OF 2023

Samixa Girish Agarwal And Ors ....APPLICANT

V/S

The State Of Maharashtra ....RESPONDENT

WITH

CR. ANTICIPATORY BAIL APPLN. NO. 2359 OF 2023

Vimal Jagdish Agarwal ....APPLICANT

V/S

State Of Maharashtra ....RESPONDENT

WITH

CRI-INTERIM APPLICATION NO. 4250 OF 2023

In



Cr. Anticipatory Bail Appln. 2556 OF 2023

Ammeet Kamal Agarwal

....PETITIONER

V/S

The State Of Maharashtra

....RESPONDENT

**CORAM : HON'BLE SHRI JUSTICE SARANG  
VIJAYKUMAR KOTWAL J**

**DATE : 2nd February, 2024**

**P.C. :**

Balance Daily Board cannot be taken up today on account of paucity of time. Stand over to 22/02/2024 . Ad-interim relief or interim relief, if any, granted earlier will continue to operate till next date.

**( FOR REGISTRAR JUDICIAL - I )**

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
APPELLATE SIDE CRIMINAL JURISDICTION**

CR. ANTICIPATORY BAIL APPLN. NO. 2556 OF 2023

Sneha Baban Chavan ....APPLICANT

V/S

The State Of Maharashtra ....RESPONDENT

WITH

CR. ANTICIPATORY BAIL APPLN. NO. 1643 OF 2023

Rajesh Bhagwandas Agarwal ....APPLICANT

V/S

State Of Maharashtra ....RESPONDENT

WITH

CR. ANTICIPATORY BAIL APPLN. NO. 2270 OF 2023

Samixa Girish Agarwal And Ors ....APPLICANT

V/S

The State Of Maharashtra ....RESPONDENT

WITH

CR. ANTICIPATORY BAIL APPLN. NO. 2359 OF 2023

Vimal Jagdish Agarwal ....APPLICANT

V/S

State Of Maharashtra ....RESPONDENT

WITH

CRI-INTERIM APPLICATION NO. 4250 OF 2023

In



Cr. Anticipatory Bail Appln. 2556 OF 2023

Ammeet Kamal Agarwal

....PETITIONER

V/S

The State Of Maharashtra

....RESPONDENT

**CORAM :** HON'BLE SHRI JUSTICE SARANG  
VIJAYKUMAR KOTWAL J

**DATE :** 10th January, 2024

**P.C. :**

Balance Daily Board cannot be taken up today on account of paucity of time. Stand over to 02/02/2024 . Ad-interim relief or interim relief, if any, granted earlier will continue to operate till next date.

( FOR REGISTRAR JUDICIAL - I )



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION  
ANTICIPATORY BAIL APPLICATION NO.2556 OF 2023**

Sneha Baban Chavan ... Applicant  
versus  
The State of Maharashtra ... Respondent

WITH  
INTERIM APPLICATION NO.4250 OF 2023  
IN  
ANTICIPATORY BAIL APPLICATION NO.2556 OF 2023  
WITH  
ANTICIPATORY BAIL APPLICATION NO.1643 OF 2023

Rajesh Bhagwandas Agarwal ... Applicant  
versus  
State of Maharashtra ... Respondent

WITH  
INTERIM APPLICATION NO.2798 OF 2023  
IN  
ANTICIPATORY BAIL APPLICATION NO.1643 OF 2023  
WITH  
ANTICIPATORY BAIL APPLICATION NO.2270 OF 2023

Samixa Girish Agarwal and Ors. ... Applicants  
versus  
The State of Maharashtra ... Respondent

WITH  
INTERIM APPLICATION NO.3125 OF 2023  
IN  
ANTICIPATORY BAIL APPLICATION NO.2270 OF 2023  
WITH  
ANTICIPATORY BAIL APPLICATION NO.2359 OF 2023

Vimal Jagdish Agarwal ... Applicant  
versus  
State of Maharashtra ... Respondent

WITH  
INTERIM APPLICATION NO.3127 OF 2023  
IN

ANTICIPATORY BAIL APPLICATION NO.2359 O F 2023

Mr. Rishi Sood with ms. Surbhi Soni, for Applicant in ABA 2556 of 2023 (VC).

Mr. Subhash Jha with Ms. Praveena Venkatraman i/by Law Global Advocates, for Applicants in ABA 1643, 2270 and 2359 of 2023.

Smt. A.A.Takalkar, APP for State.

Mr. Gaurav Chaubey with Ms. Kavitha Prakash i/by Sujit Padarat for Intervener in ALL ABAs.

Mr. Sandeep Shinde, API, Sahar Police Station present.

**CORAM: N.J.JAMADAR, J.**

**DATE : 6 DECEMBER 2023**

**P.C.**

IA No.3125 of 2022

1. Heard the learned Counsel for the parties.
2. Ammeet Kamal Agarwal is the first informant. The Intervention Application stands allowed, keeping open all the contentions as to locus of the first informant to set the criminal law in motion.
3. Interim Application stands disposed.
4. List the matters for hearing on 10 January 2024.
5. Interim protection granted earlier shall continue to operate till the next date.

**( N.J.JAMADAR, J. )**



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION  
ANTICIPATORY BAIL APPLICATION NO.2556 OF 2023**

Sneha Baban Chavan ... Applicant  
versus  
The State of Maharashtra ... Respondent

WITH  
ANTICIPATORY BAIL APPLICATION NO.1643 OF 2023  
WITH  
INTERIM APPLICATION NO.2798 OF 2023  
WITH  
ANTICIPATORY BAIL APPLICATION NO.2270 OF 2023  
WITH  
INTERIM APPLICATION NO.3125 OF 2023  
WITH  
ANTICIPATORY BAIL APPLICATION NO.2359 OF 2023  
WITH  
INTERIM APPLICATION NO.3127 OF 2023

Mr. Rishi Sood with Ms. Surbhi Soni, for Applicant in ABA 2556 of 2023.  
Ms. Linisha Seth i/by Law Global Advocates, for Applicant in ABA 1643 of 2023.  
Mr. S.H.Yadav, APP for State.  
Mr. Gaurav Chaubey, for Intervener.  
Mr. Sandeep Shinde, API Sahar Police Station present.

**CORAM: N.J.JAMADAR, J.**

**DATE : 1 NOVEMBER 2023**

**P.C.**

1. Heard the learned Counsel for the parties.
2. The learned Counsel for the Interveners seeks time to file Intervention application/s.
3. Let Intervention application/s be filed within a period of one week and

copy served on the applicants.

4. Stand over to 6 December 2023.
5. Interim protection granted earlier shall continue to operate till the next date.

**(N.J.JAMADAR, J.)**



IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

**ANTICIPATORY BAIL APPLICATION NO.1643 OF 2023  
WITH  
INTERIM APPLICATION NO.2798 OF 2023  
WITH  
ANTICIPATORY BAIL APPLICATION NO.2270 OF 2023  
WITH  
INTERIM APPLICATION NO.3125 OF 2023  
WITH  
ANTICIPATORY BAIL APPLICATION NO.2556 OF 2023  
WITH  
ANTICIPATORY BAIL APPLICATION NO.2359 OF 2023  
WITH  
INTERIM APPLICATION NO.3127 OF 2023**

Rajesh Bhagwandas Agarwal ...Applicant

vs.

The State of Maharashtra ...Respondent

Mr. Subhash Jha a/w. Ms. Linisha Seth i/b. Law Global, for the Applicant in ABA No. 1643 of 2023.

Mr. Rishi Sood a/w. Ms. Surbhi Soni and Mr. Manish Verma, for the Applicant in ABA No. 2556 of 2023.

Smt. Ashwini Takalkar, APP, for the Respondent/State.

Mr. Gaurav Chaubey, for the Intervener/ first informant.

Mr. Sandeep Shimole, API, Sahar police station.

**CORAM : N. J. JAMADAR, J.**

**DATE : OCTOBER 11, 2023**

**P.C.:**

1. Heard the learned counsel for the applicants and the learned APP for the State.

2. Mr. Ghaubey, the learned advocate submits that he has instructions to appear on behalf of the first informant and undertakes to file vakalatnama on behalf of the first informant. He

Vishal Parekar

...1

seeks time to work out the matter.

3. Stand over to 1<sup>st</sup> November, 2023.

4. The interim protection granted earlier shall continue to operate till the next date.

(N. J. JAMADAR, J.)



IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 1643 OF 2023  
WITH  
INTERIM APPLICATION NO. 2798 OF 2023

Rajesh Bhagwandas Agarwal ...Applicant  
Versus  
State of Maharashtra ...Respondent

AND  
ANTICIPATORY BAIL APPLICATION NO. 2270 OF 2023  
WITH  
INTERIM APPLICATION NO. 3125 OF 2023

Samixa Girish Agarwal ...Applicant  
Versus  
The State of Maharashtra ...Respondent

Ms. Linisha Seth, i/b Law Global, for the Applicant.  
Mrs. Ashwini Takalkar, APP for the State.  
Mr. P. Ranjan, i/b M/s. Halani & Co., for the Intevenor.  
API Sandeep Shinde, Sahar Police Station, present.

CORAM: N. J. JAMADAR, J.  
DATED : 4<sup>th</sup> SEPTEMBER, 2023

PC:-

1. Heard the learned Counsel for the parties.
2. Another anticipatory bail application of the co-accused is scheduled to be listed on 15<sup>th</sup> September, 2023.
3. Stand over to 15<sup>th</sup> September, 2023.
4. Interim protection, granted earlier, shall continue to operate till next date.

[N. J. JAMADAR, J.]



IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 1643 OF 2023  
WITH  
INTERIM APPLICATION NO.2798 OF 2023  
IN  
ANTICIPATORY BAIL APPLICATION NO. 1643 OF 2023

Rajesh Bhagwandas Agarwal ...Applicant  
Versus  
The State of Maharashtra ...Respondent

....

Mr. Subhash Jha i/by Law Global Adocate for the Applicant.  
Mr. P. Rajan i/by M/s. Halani & Co. for the Intervenor.  
Mr. S.V. Gavant, APP for the Respondent – State.

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CORAM : SMT. ANUJA PRABHUDESSAI, J.  
DATE : 11<sup>th</sup> AUGUST, 2023.

**P. C. :-**

1. Learned Counsel for the Applicant states that the Applicant was granted interim bail on 7<sup>th</sup> July, 2023. Due to inadvertence the same was not continued on 4<sup>th</sup> August, 2023.
2. Interim relief to continue till the next date.
3. Stand over to 4<sup>th</sup> September 2023.

(SMT. ANUJA PRABHUDESSAI, J.)



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION**

**ANTICIPATORY BAIL APPLICATION NO.1643 OF 2023  
WITH  
INTERIM APPLICATION (STAMP) NO.14294 OF 2023  
IN  
ANTICIPATORY BAIL APPLICATION NO.1643 OF 2023**

Rajesh Bhagwandas Agarwal ...Applicant

Versus

The State of Maharashtra ...Respondent

...

Ms Linisha Seth with Mr. Sudhr Chaudhary i/b. M/s. Law Global  
Advocates for the Applicant

Mr. P. Ranjan i/b. M/s. Halani and Co. for the Intervenor.

Ms A.A. Takalkar, APP for the Respondent -State.

Mr. Sandeep Shinde, API, Sahar Police Station, present.

**CORAM: SMT. ANUJA PRABHUDESSAI, J.**

**DATED : 4<sup>th</sup> AUGUST, 2023.**

**P. C. :-**

At the request of learned counsel for the Applicant, stand  
over to **11/08/2023**. Though the interim application is listed on  
board, papers are not tagged. Registry to do the needful.

**(SMT. ANUJA PRABHUDESSAI, J.)**



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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION**

**ANTICIPATORY BAIL APPLICATION NO. 1643 OF 2023**

Rajesh Bhagwandas Agarwal

...Applicant

Versus

The State Of Maharashtra

...Respondent

....

Mr.Subhash Jha a/w Suelhia Chaudhary a/w Shraddha K. i/b Law  
Global , Advocate for the Applicant.

Ms. A.A. Takalkar, APP for the Respondent – State.

Mr. P. Ranjav i/b Halai & Co. for Intervenor.

Mr. Sandeep Shinde, API, sahar police station.

...

**CORAM : ANUJA PRABHUDESSAI ,J.  
DATED : 21<sup>th</sup> JULY, 2023.**

**PC**

1. At the request of Intervenor, stand over to 4th August 2023.
2. Interim relief to continue till the next date.

**(ANUJA PRABHUDESSAI, J.)**



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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION**

**ANTICIPATORY BAIL APPLICATION NO. 1643 OF 2023**

Rajesh Bhagwandas Agarwal ... Applicant

v/s.

The State of Maharashtra .... Respondent

Mr. Subhash Jha a/w. Mr. Sudhir Chaudhary i/b. Law  
Global for the Applicant.

Ms. A.A. Takalkar, APP for the State.

Mr. Sandeep Shinde, API, Sahar Police Station, present.

**CORAM: SMT. ANUJA PRABHUDESSAI, J.**

**DATED : 07<sup>th</sup> JULY, 2023.**

**P. C. :-**

1. The Applicant apprehends his arrest in C.R.No.155/2023 registered at Sahar Police Station, Mumbai for offences punishable under sections 408, 409, 477-A, 420 r/w. 120(B) and 34 of the Indian Penal Code.

2. The allegations against the Applicant are that he along with the co-accused have misappropriated total amount of Rs.1,18,00,187/-. It is stated that out of the said amount, the Applicant has misappropriated an amount of Rs.90,85,437/- from Sangeeta Aviations and from the personal account of the first informant. The amount was allegedly misappropriated in the year 2019-20. The FIR in respect of

the said misappropriation has been lodged on 25/04/2023.

3. Learned counsel for the Applicant states that the Applicant is ready to co-operate with the investigation and hand over all the documents to the Investigating Officer.

4. In view of the said statement and considering the nature of accusations, this is a fit case to grant interim bail. Hence, the following order :-

(a) In the event of arrest of the Applicant in C.R.No.155/2023 registered at Sahar Police Station, Mumbai, he shall be released on interim bail till the next date of hearing, on furnishing bail bonds in the sum of Rs.25,000/- with one or two sureties in the like amount ;

(b) The Applicant shall report to the Investigating Officer for two days i.e., on 10/07/2023 and 11/07/2023 between 11:00 a.m. to 02:00 p.m. and further as and when required by the Investigating Officer ;

(c) The Applicant shall not interfere with the complainant

and the other witnesses and shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case in any manner ;

(d) The Applicant shall keep the Investigating Officer informed of his current address and mobile contact numbers, and/or change of residence or mobile details, if any, from time to time.

5. Stand over to **21/07/2023**.

**(SMT. ANUJA PRABHUDESSAI, J.)**

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
APPELLATE SIDE CRIMINAL JURISDICTION**

CR. ANTICIPATORY BAIL APPLN. NO. 1643 OF 2023

Rajesh Bhagwandas Agarwal ....APPLICANT

V/S

State Of Maharashtra ....RESPONDENT

Mr. Subhash Jha, Sudhir Chaudhary i/by Law Global, Advocate  
for the Applicant.

Mrs. A. A. Takalkar, APP for the State.

**CORAM : HON'BLE SMT. JUSTICE ANUJA  
PRABHUDESSAI J**

**DATE : 30th June, 2023**

**P.C. :**

S. O. to 07/07/2023 .

**( FOR REGISTRAR JUDICIAL - I )**

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
APPELLATE SIDE CRIMINAL JURISDICTION**

CR. ANTICIPATORY BAIL APPLN. NO. 1643 OF 2023

Rajesh Bhagwandas Agarwal ....APPLICANT

V/S

State Of Maharashtra ....RESPONDENT

Mr. Subhash Jha a/w Sudheer Choudhary, Alka Pandey, Linisha Seth, Clifford Gonsalves i/by Law Global Advocate for the Applicant.

Mr. R. M. Pethe APP for the State.

API Sandeep Shinde, Sahar Police Station.

**CORAM : HON'BLE SMT. JUSTICE ANUJA  
PRABHUDESSAI J**

**DATE : 15th June, 2023**

**P.C. :**

S. O. to 30/06/2023 .

**( FOR REGISTRAR JUDICIAL - I )**

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
APPELLATE SIDE CRIMINAL JURISDICTION**

CR. ANTICIPATORY BAIL APPLN. NO. 1643 OF 2023

Rajesh Bhagwandas Agarwal ....APPLICANT

V/S

State Of Maharashtra ....RESPONDENT

Mr. Shubhash Jha a/w Clifford Gonsalves, Linisha Seth i/by  
Law Global for the Applicant.

Mrs. A. A. Takalkar, APP for the State.

**CORAM : HON'BLE SMT. JUSTICE ANUJA  
PRABHUDESSAI J**

**DATE : 12th June, 2023**

**P.C. :**

At the request of learned counsel for the Applicant , stand over  
to 14/06/2023 .

**( FOR REGISTRAR JUDICIAL - I )**



IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION  
INTERIM APPLICATION NO.1503 OF 2024  
IN  
BAIL APPLICATION NO.2453 OF 2023

Girish Agarwal ... Applicant  
**Vs.**  
State of Maharashtra ... Respondent

Ms. Surbhi Soni i/b. MG V & Associates for Applicant.  
Mr. Balraj B. Kulkarni for Respondent-State.  
Mr. Sandeep Shinde, API, Sahar Police Station.

**CORAM : MANISH PITALE, J.**  
**DATE : SEPTEMBER 30, 2024**

**P.C. :**

. In this application, the applicant seeks modification of condition (d) imposed by this Court, while granting bail as per order dated 14.09.2023 passed in Bail Application No.2453 of 2023.

2. The said condition reads as follows:-

“(d) The applicant shall attend the Investigating Officer of Sahar Police Station once in two months i.e. on first Monday of every alternate month between 11:00 a.m. and 1:00 p.m. commencing from October 2023.”

3. It is submitted on behalf of the applicant that the charge-sheet was already filed on 11.09.2023, three days prior to the aforesaid order granting bail to the applicant. It is further submitted that charge is yet to be framed and the applicant has abided by the aforesaid conditions scrupulously. It is also submitted that since the applicant is resident of Delhi and the charge has already been filed, this Court may consider exempting the applicant from abiding by the said condition.



4. The learned APP submits that in the present case, offences registered against the applicant are serious and the total misappropriated amount comes to about Rs.6 crores. In that light, the applicant should at least be directed to deposit his passport during the pendency of the trial.

5. Considering the rival submissions, this Court is inclined to partly allow the present application. Accordingly, condition (d), quoted hereinabove, imposed in the order dated 14.09.2023 shall stand deleted. Instead, it shall be replaced by the following condition:-

(d) The applicant shall surrender his passport, if any, before the trial Court and it shall remain with the trial Court during the pendency of the trial.

6. The passport be deposited within two weeks from today.

7. Interim application stands disposed of accordingly.

**(MANISH PITALE, J.)**

*Minal Parab*



2024:BHC-AS:38626

Board Sr.No.: -920

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
APPELLATE SIDE CRIMINAL JURISDICTION**

CRI-INTERIM APPLICATION NO. 1503 OF 2024

In

CRIMINAL BAIL APPLN. 2453 OF 2023

Girish Jagdish Agarwal ...PETITIONER

V/S

The State Of Maharashtra ....RESPONDENT

Adv. Surbhi Soni i/b MGB & Associates for Applicant.,  
Mr. Balraj B. Kulkanri, APP for State-Respondent

( Production Board )

**CORAM : HON'BLE SHRI JUSTICE MANISH PITALE J**

**DATE : 27th September, 2024**

**P.C. :**

S. O. to 30/09/2024 .

**( FOR REGISTRAR JUDICIAL - I )**



2024:BHC-AS:38626

Board Sr.No.: -928

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
APPELLATE SIDE CRIMINAL JURISDICTION**

CRI-INTERIM APPLICATION NO. 1503 OF 2024

In

CRIMINAL BAIL APPLN. 2453 OF 2023

Girish Jagdish Agarwal ...PETITIONER

V/S

The State Of Maharashtra ....RESPONDENT

( On Supplementary Board )

**CORAM : HON'BLE SHRI JUSTICE MANISH PITALE J**

**DATE : 24th September, 2024**

**P.C. :**

Due to paucity of time, stand over to 11/10/2024. Interim order,  
if any, to continue till then.

**( FOR REGISTRAR JUDICIAL - I )**



IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 1503 OF 2024

IN

BAIL APPLICATION NO. 2453 OF 2023

Girish Agarwal

...Applicant

**Versus**

The State of Maharashtra

...Respondent

\*\*\*

- Ms. Surbhi Soni i/b MGB & Associates, for Applicant.
- Mr. Balraj B. Kulkarni, APP for Respondent.
- Mr. Sandeep Shinde, API, Sahar Police Station.

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CORAM : MANISH PITALE, J.

DATE : 13<sup>th</sup> SEPTEMBER, 2024.

P. C. :

1. The learned APP to take instructions on the question as to whether the applicant has abided by condition (d) specified in the order dated 14.09.2023, passed by this Court in the bail application.
2. List on 24<sup>th</sup> September, 2024, to be included in the "Supplementary List."

(MANISH PITALE, J.)



2024:BHC-AS:38626

Board Sr.No.:0

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
APPELLATE SIDE CRIMINAL JURISDICTION**

CRI-INTERIM APPLICATION NO. 1503 OF 2024

In

Criminal Bail Appln. 2453 OF 2023

Girish Jagdish Agarwal ...PETITIONER

V/S

The State Of Maharashtra ....RESPONDENT

**CORAM :** HON'BLE SHRI JUSTICE MANISH PITALE J

**DATE :** 28th August, 2024

**P.C. :**

Due to paucity of time, stand over to 20/09/2024. Interim order, if any, to continue till then.

**( FOR REGISTRAR JUDICIAL - I )**



2024:BHC-AS:38626

Board Sr.No.:-0

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
APPELLATE SIDE CRIMINAL JURISDICTION**

CRI-INTERIM APPLICATION NO. 1503 OF 2024

In

Criminal Bail Appln. 2453 OF 2023

Girish Jagdish Agarwal ...PETITIONER

V/S

The State Of Maharashtra ....RESPONDENT

**CORAM : HON'BLE SHRI JUSTICE MANISH PITALE J**

**DATE : 25th July, 2024**

**P.C. :**

Due to paucity of time, stand over to 28/08/2024. Interim order, if any, to continue till then.

**( FOR REGISTRAR JUDICIAL - I )**



2024:BHC-AS:38626

Board Sr.No.:0

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
APPELLATE SIDE CRIMINAL JURISDICTION**

CRI-INTERIM APPLICATION NO. 1503 OF 2024

In

Criminal Bail Appln. 2453 OF 2023

Girish Jagdish Agarwal ...PETITIONER

V/S

The State Of Maharashtra ....RESPONDENT

**CORAM :** HON'BLE SHRI JUSTICE MANISH PITALE J

**DATE :** 27th June, 2024

**P.C. :**

Due to paucity of time, stand over to 25/07/2024. Interim order, if any, to continue till then.

**( FOR REGISTRAR JUDICIAL - I )**



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION**

**BAIL APPLICATION NO.2453 OF 2023**

GIRISH JAGDISH AGARWAL ..APPLICANT  
VS.  
THE STATE OF MAHARASHTRA ..RESPONDENT

**WITH  
INTERIM APPLICATION NO.3301 OF 2023  
IN  
BAIL APPLICATION NO.2453 OF 2023**

AMMEET KAMAL AGARWAL ..APPLICANT

**IN THE MATTER BETWEEN**

GIRISH JAGDISH AGARWAL ..APPLICANT  
VS.  
THE STATE OF MAHARASHTRA ..RESPONDENT

-----  
Adv. Subhash Jha a/w Adv. Linisha Seth i/b. Law Global for  
the applicant.  
Ms. Rutuja Ambekar, APP for the State.  
Adv. P. Ranjan i/b. M/s. Halai and Company for the  
intevener.  
API Sandeep Shinde, Sahar Police Station.  
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**CORAM : M. S. KARNIK, J.**

**DATE : SEPTEMBER 14, 2023.**

**P.C. :**

**1.** Heard learned counsel for the applicant, learned APP  
for the State and learned counsel for the intervener.

**2.** This is an application for bail in respect of the offence punishable under Sections 408, 409, 477-A, 420, 120-B read with 34 of the Indian Penal Code (hereafter 'IPC' for short) registered on 25.04.2023 vide First Information Report (FIR) No.207 of 2023 with Sahar Police Station.

**3.** There are in all eleven accused. The applicant is the accused No.2. The FIR was registered on 25.04.2023 by Ammeet Kamal Agarwal who is the Executive Director of Supreme Transport Organisation Private Limited. The applicant and ten others have been arraigned as accused in connection with FIR No.207 of 2023 registered with Sahar Police Station. The allegation is that between the period from 27.09.2019 and 04.09.2020 the applicant and ten others who have been named in the FIR, in furtherance of a criminal conspiracy, siphoned of Rs.6,27,36,180/- and thereby committed an offence punishable under the aforesaid provisions of the IPC.

**4.** The applicant herein viz. Mr. Girish Jagdish Agarwal was also a Director/Shareholder of Supreme Transport Organisation Private Limited. The applicant is the cousin

brother of the intervener – *de facto* complainant. Due to mismanagement of the Company, Axis Bank Limited filed proceedings against Supreme Transport Organisation Private Limited under Section 7 of the Insolvency and Bankruptcy Code, 2016 read with Rule 4 of Insolvency and Bankruptcy (Application to Adjudicating Authority) Rules, 2016. By an order dated 08.09.2021 the NCLT appointed Interim Resolution Professional (IRP) and the board of the company has been suspended.

**5.** By an order dated 29.09.2021 the NCLT appointed a Resolution Professional in respect of Sangeeta Aviation Services Private Limited to carry out further Corporate Insolvency Resolution Process. The applicant was arrested on 15.06.2023.

**6.** The applicant approached this Court for bail prior to filing of the charge-sheet as the applicant's bail application was rejected by the trial Court on 19.07.2023. During the pendency of this application and before the application could be heard on merits, the charge-sheet came to be filed. It is one of the objection of learned APP and learned

counsel appearing for the intervener – *de facto* complainant that now that the charge-sheet has been filed, the proper course for the applicant is to approach the trial Court for bail.

**7.** Mr. Jha, learned counsel for the applicant submitted that in the present facts, having regard to the nature of the accusations, now that the charge-sheet has been filed, further custody of the applicant is not required. It is one of the contention of Mr. Jha that in the present case no notice under Section 41-A of the Code of Criminal Procedure was issued.

**8.** In the present facts, I felt appropriate to hear the application for bail having regard to the nature of accusations.

**9.** Learned APP as well as learned counsel for the intervener - *de facto* complainant opposed the application for bail. It is submitted that the accusations are serious as the applicant in his capacity as a Director has committed misappropriation of funds. My attention is invited to the accusations in the FIR. In the FIR so far as the present

applicant is concerned, it has been alleged that the present applicant had transferred a sum of Rs.11,05,072/- from the account of Supreme Transport Organisation Private Limited, a sum of Rs.13,93,250/- from the account of Sangeeta Aviation Services Private Limited and further a sum of Rs.8,00,000/- from the account of the *de facto* complainant. The total amount transferred was Rs.32,98,332/-. It is the accusation that the amounts which belonged to the company which should have been credited to the company's account have straight away gone into the account of the present applicant.

**10.** Mr. Jha, learned counsel made an attempt to justify the fact that the said transfer is a result of legitimate transactions. Prima facie it appears that the amounts have been transferred through banking channels. Suffice it to observe that in respect of the transaction from 22.06.2018 to 06.07.2022 the FIR has been lodged only on 25.04.2023. The applicant as well as the *de facto* complainants were the Directors of the company which are now the subject matter of Insolvency proceedings. The relationship between the

parties are strained. Furthermore, the investigation is complete and the charge-sheet has been filed. In this view of the matter further custody of the applicant is not necessary. The applicant will face the consequences of the trial. The applicant does not appear to be a flight risk. Hence, the following order :-

**ORDER**

- (a) The application is allowed.
- (b) The applicant-Girish Jagdish Agarwal in connection with FIR No.207 of 2023 registered with Sahar Police Station shall be released on bail on his furnishing P.R. Bond of Rs.1,00,000/- with one or more local sureties in the like amount.
- (c) The applicant is permitted to furnish cash bail surety in the sum of Rs.1,00,000/- for a period of six weeks in lieu of surety.
- (d) The applicant shall attend the Investigating Officer of Sahar Police Station once in two months i.e. on first Monday of every alternate month between 11.00 a.m. and 1.00 p.m. commencing from October 2023.

(e) 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. The applicant shall not tamper with evidence.

(f) On being released on bail, the applicant shall furnish his contact number and residential address to the Investigating Officer and shall keep him updated, in case there is any change.

(g) The applicant shall attend the trial regularly unless exempted.

**11.** The application is disposed of.

**12.** Interim application is also disposed of.

**(M. S. KARNIK, J.)**

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
APPELLATE SIDE CRIMINAL JURISDICTION**

CRIMINAL BAIL APPLN. NO. 2453 OF 2023

Girish Jagdish Agarwal .....APPLICANT

V/S

State Of Maharashtra .....RESPONDENT

Mr. Subhash Jha A/W Ms. Linisha Seth i/by Law Global  
Advocates for Applicant.

Ms. Rutuja Ambekar, APP for Respondent - State.

Mr. Yash Jain i/by Hala & Co. for Intervenor.

At the request of the learned APP

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**CORAM :** HON'BLE SHRI JUSTICE M. S. KARNIK J

**DATE :** 11th September, 2023

**P.C. :**

S. O. to 13/09/2023 .

**( FOR REGISTRAR JUDICIAL - I )**



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION**

**BAIL APPLICATION NO.2453 OF 2023**

GIRISH JAGDISH AGARWAL ..APPLICANT

VS.

THE STATE OF MAHARASHTRA ..RESPONDENT

-----  
Mr. Subhash Jha a/w Adv. Linisha Seth a/w Adv. Cd Clifford  
Gonsalves a/w Adv. Shahzad M. Pandey a/w Adv. Shraddha  
Kataria i/b Law Global Advocates for the Applicant.

Mr. Yash Jain i/b Hala and Co. for the Intervener/  
Complainant.

Ms. Rutuja Ambekar, APP for the State.  
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**CORAM : M. S. KARNIK, J.**

**DATE : SEPTEMBER 7, 2023.**

**P.C. :**

At the request of the learned APP and the learned  
counsel for complainant who wants to intervene, stand over  
to 11/09/2023, fairly high on board.

**(M. S. KARNIK, J.)**



ABA-980/25

::1::

Order

MHCC050034972025



IN THE COURT OF SESSIONS AT DINDOSHI  
(BORIVALI DIVISION), GOREGAON, MUMBAI

**ANTICIPATORY BAIL APPLICATION NO.980 OF 2025**

**Mrs. Rajni Surendra Pandey** )  
Age about 65 Years, Occupation: Housewife, )  
Residing at : Flat No.7, Building No.54, )  
Yogendra Bhavan, J.B. Nagar, )  
Andheri East, Mumbai – 400 059. ) **...Applicant**

**Versus**

**State of Maharashtra** )  
(Notice be served to the Police Inspector, )  
In-charge of Sahar Police Station, Mumbai and )  
also to Public Prosecutor and District )  
Government Pleader). ) **...Respondent**

Ld. Adv Mr. Abdul Peerzade for the applicant.  
Ld. APP Mr. Imran K. Shaikh for the State.

**CORAM : HIS HONOUR ADDITIONAL  
SESSIONS JUDGE,  
T.T. AGLAWE,  
COURT ROOM NO.10.**

**Date : 17TH JULY, 2025**

**ORAL ORDER**

Applicant has filed present application for pre-arrest bail in connection with Crime No.155/2023 registered with Sahar Police Station for the offences punishable under sections 120(B), 408, 409,

477-A, 420 r/w. Section 34 of I.P.C.

2. Perused the application and reply of Investigating Officer below Exhibit-4.

3. FIR is registered on 25.04.2023 against the applicant and 10 others by the informant Amit Agarwal. FIR states that the informant is a Chairman and Executive Director of Supreme Transport Pvt. Ltd. and Sangeeta Aviation Services Pvt. Ltd. The main business of the company is of road transport and air transport of goods. The co-accused Vimal Agarwal and Girish Agarwal are also the Directors of Supreme Transport Pvt. Ltd. In 2014, the co-accused Varun Kakariya was appointed as an Assistant. Thereafter in 2016, the co-accused Kamlesh Tatawat was appointed as Chief Operation Officer. The National Company Law Tribunal passed an order dated 10.08.2021 declaring Sangeeta Aviation Services Pvt. Ltd. as insolvent company. The financial affairs of both the companies were looked after by Kamlesh Tatawat. The son of applicant by name Atul Pandey and Swapnil Chavan are old friends of the informant. They also used to visit the office of company. The informant noticed that things were not normal in the accounts. Therefore, the informant verified the financial transaction of the company through Chartered Accountant. The informant came to know that there is misappropriation of amount of Rs.6,27,36,180/-. Therefore, the informant lodged report claiming that the Directors Vimal Agarwal and Girish Agarwal alongwith Kamlesh Tatawat, Chief Operation Officer have misappropriated amount of Rs.6,27,36,180/- from the account of Sangeeta Aviation Services Pvt. Ltd. and personal account of the informant and transferred that amount to the account of all 11 accused. The allegations against the applicant is that she has received and

utilised an amount of Rs.11,00,000/- illegally and unauthorisedly.

4. Contention of the applicant is that she has no role in the account and payment department of the company. She has not committed any offence. In fact, she is creditor of insolvent company. The company went in losses and the informant is responsible for it. The applicant is seeking protection on various other grounds as stated in the application.

5. Application is opposed on the ground that there is misappropriation of crores of rupees. The applicant is beneficiary of amount of Rs.11,00,000/-. The said amount is to be recovered.

6. Heard learned advocate for the applicant and learned APP for the State.

7. Heard Investigating Officer. Perused the case diary.

8. Learned advocate for the applicant submits that chargesheet is filed against two accused. The other six accused having major role have got interim protection from the Hon'ble High Court. The company is declared as insolvent. Therefore, the informant has no locus to lodge FIR. There is delay in lodging the FIR. Insolvency Resolution Professional has shown the applicant as creditor of insolvent company. Various FIRs are registered against the informant. She is ready to co-operate the investigation.

9. Learned APP and Investigating Officer has submitted that there is misappropriation of crores of rupees. The amount is transferred

to the account of applicant, without any voucher. The investigation regarding the applicant is pending. The applicant cannot seek benefit of lacuna of informant. Her statement of account do show that the applicant is beneficiary.

10. FIR states the period of occurrence from 1.04.2018 to 31.07.2022. FIR is lodged on 25.04.2023 on the basis of report of Chartered Accountant. Admittedly, the company is declared as insolvent by order dated 10.08.2021. By the same order, Insolvency Professional was appointed. The FIR principally alleges that the Directors Vimal Agarwal and Girish Agarwal alongwith Chief Operation Officer Kamlesh Tatawat have misappropriated the amount and transferred it to the other account. FIR does not show that the applicant could have transferred the amount from the account of the company or personal account of the informant. Apart from that the statement issued by Insolvency Professional dated 16.11.2021 shows that an amount of Rs.18,13,992/- is due to the applicant from the insolvent company. In these circumstances, the investigation is based on documentary evidence pertaining to insolvent company, for which the arrest and custodial interrogation of the applicant may not be necessary. The case is made out to exercise discretion in favour of the applicant, subject to condition. Hence, the order :-

**ORDER**

1. The application is allowed.
2. In the event of arrest of applicant-Rajni Surendra Pandey in Crime No.155/2023 registered with Sahar Police Station for the offences punishable under sections 120(B), 408, 409, 477-A, 420 r/w. Section 34 of I.P.C, she be released on her executing personal bond of Rs.20,000/- (Rupees Twenty thousand only)

with a surety in the like amount, on the following conditions :-

- (i) She shall attend Investigating Officer on 21.07.2025 and 22.07.2025 between 10.00 a.m. to 2.00 p.m. and thereafter as and when called by the Investigating Officer under written intimation to that effect, till filing of the charge sheet or 60 days from today, whichever is earlier.
- (ii) She shall co-operate investigation.
- (iii) She shall not tamper with prosecution evidence.
3. Inform the concerned Police Station, accordingly.
4. Anticipatory Bail Application No.980/2025 stands disposed off, accordingly.

**(Dictated and pronounced in open Court.)**

**Date: 17.07.2025**

**(T. T. Aglawe)**  
Addl. Sessions Judge  
Sessions Court,  
Borivali Division, Dindoshi

Dictated on : 17.07.2025  
Transcribed on : 17.07.2025  
Checked & signed on : 17.07.2025

ABA-980/25

::6::

Order

CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED JUDGMENT/ORDER.”	
UPLOAD DATE AND TIME 21.07.2025 AT 5.30 PM.	Atul Suryakant Bhogte NAME OF STENOGRAPHER
Name of Judge (with Court room no.)	HHJ Shri T.T. Aglawe, City Civil & Sessions Court, Borivali Div., Dindoshi. (C.R.No.10)
Date of Pronouncement of JUDGMENT/ORDER	17.07.2025
JUDGMENT/ORDER signed by P.O. on	17.07.2025
JUDGMENT/ORDER uploaded on	21.07.2025

ABA-979/25

::1::

Order

MHCC050034962025



IN THE COURT OF SESSIONS AT DINDOSHI  
(BORIVALI DIVISION), GOREGAON, MUMBAI

**ANTICIPATORY BAIL APPLICATION NO.979 OF 2025**

**Mr. Atul Surendra Pandey** )  
Age about 41 Years, Occupation: Service, )  
Residing at : Flat No.7, Building No.54, )  
Yogendra Bhavan, J.B. Nagar, )  
Andheri East, Mumbai – 400 059. ) **...Applicant**

**Versus**

**State of Maharashtra** )  
(Notice be served to the Police Inspector, )  
In-charge of Sahar Police Station, Mumbai and )  
also to Public Prosecutor and District )  
Government Pleader). ) **...Respondent**

Ld. Adv Mr. Abdul Peerzade for the applicant.  
Ld. APP Mr. Imran K. Shaikh for the State.

**CORAM : HIS HONOUR ADDITIONAL  
SESSIONS JUDGE,  
T.T. AGLAWE,  
COURT ROOM NO.10.**

**Date : 17TH JULY, 2025**

**ORAL ORDER**

This is the second application of the applicant for pre-arrest bail in connection with Crime No.155/2023 registered with Sahar Police Station for the offences punishable under sections 120(B), 408, 409,

477-A, 420 r/w. Section 34 of I.P.C.

2. Perused the application and reply of Investigating Officer below Exhibit-4.

3. FIR is registered on 25.04.2023 against the applicant and 10 others by the informant Amit Agarwal. FIR states that the informant is a Chairman and Executive Director of Supreme Transport Pvt. Ltd. and Sangeeta Aviation Services Pvt. Ltd. The main business of the company is of road transport and air transport of goods. The co-accused Vimal Agarwal and Girish Agarwal are also the Directors of Supreme Transport Pvt. Ltd. In 2014, the co-accused Varun Kakariya was appointed as Company Assistant. Thereafter in 2016, the co-accused Kamlesh Tatawat was appointed as Chief Operation Officer. The National Company Law Tribunal passed an order dated 10.08.2021 declaring Sangeeta Aviation Services Pvt. Ltd. as insolvent company. The financial affairs of both the companies were looked after by Kamlesh Tatawat. The applicant and Swapnil Chavan are old friends of the informant. They also used to visit the office of company. The informant noticed that things were not normal in the accounts. Therefore, the informant verified the financial transactions of the company through Chartered Accountant. The informant came to know that there is misappropriation of amount of Rs.6,27,36,180/-. Therefore, the informant lodged report claiming that the Directors Vimal Agarwal and Girish Agarwal alongwith Kamlesh Tatawat, Chief Operation Officer have misappropriated amount of Rs.6,27,36,180/- from the account of Sangeeta Aviation Services Pvt. Ltd. and personal account of the informant and transferred that amount to the account of all 11 accused. The allegations against the applicant is that he has received and utilised

the amount of Rs.37,34,000/- illegally and unauthorisedly.

4. Contention of the applicant is that he is friend of informant. The informant hired and appointed him as Airport consultant. Therefore, the amount which is reflected in the statement is towards his consultation charges. He has no role in the account and payment department of the company. He has not committed any offence. In fact, he is creditor of insolvent company. The company went in losses and the informant is responsible for it. The applicant is seeking protection on various other grounds as stated in the application.

5. Application is opposed on the ground that there is misappropriation of crores of rupees. The applicant is beneficiary of amount of Rs.37,34,000/-. The said amount is to be recovered.

6. Heard learned advocate for the applicant and learned APP for the State.

7. Heard Investigating Officer. Perused the case diary.

8. Learned advocate for the applicant submits that this is the second application for pre-arrest bail. There is lot of change in circumstances. The chargesheet is filed against two accused. The other six accused having major role have got interim protection from the Hon'ble High Court. The company is declared as insolvent. Therefore, the informant has no locus to lodge FIR. There is delay in lodging the FIR. Insolvency Resolution Professional has shown the applicant as creditor of insolvent company. Various FIRs are registered against the informant. The Investigating Officer has already recorded his statement.

He is ready to co-operate the investigation.

9. Learned APP and Investigating Officer have submitted that there is misappropriation of crores of rupees. The amount is transferred to the account of applicant, without any voucher. The investigation regarding the applicant is pending. The applicant cannot seek benefit of lacuna of informant. His statement of account do show that the applicant is beneficiary. The applicant was absconding. His previous application for pre-arrest bail was rejected. Therefore, the second application is not maintainable.

10. Perused the record. Legally, the successive application for anticipatory bail is maintainable if there is any material change in circumstances. It means fresh application with new facts, new evidence or new legal arguments, which were not previously considered is maintainable. The first application of the applicant was rejected by order dated 20.07.2023. One of the reason for rejection was that the applicant has not produced documents to show his appointment as Consultant. The applicant has produced the said document with the present application. The charge-sheet is filed against two accused. Co-accused Nos.4 to 6, 8 and 11 have got interim protection from the Hon'ble High Court. As per FIR, co-accused Nos.4 to 6, 8 and 11 are on the same footing as of applicant. In my considered opinion, this is the material change in circumstances, for which second application for pre-arrest bail is maintainable.

11. FIR states the period of occurrence from 1.04.2018 to 31.07.2022. FIR is lodged on 25.04.2023 on the basis of report of Chartered Accountant. Admittedly, the company is declared as insolvent

by order dated 10.08.2021. By the same order, Insolvency Professional was appointed. It is seen that the applicant has attended the Investigating Officer and his statement is recorded on 05.03.2023. The statement of account of the applicant shows receipt of some amount for which the applicant has produced letter of appointment as Consultant. The applicant claims that said amount is towards consultancy charges. The statement of account of the applicant shows that an amount of Rs.17,48,000/ and Rs.8,91,000/- is credited to the account of the applicant on 23.11.2021 from the account of Sangeeta Aviation Services Pvt. Ltd. Immediately on the next day, said amount is transferred to personal account of the informant. The FIR principally alleges that the Directors Vimal Agarwal and Girish Agarwal alongwith Chief Operation Officer Kamlesh Tatawat have misappropriated the amount and transferred it to the other account. FIR does not show that the applicant could have transferred the amount from the account of the company or personal account of the informant. Apart from that the statement issued by Insolvency Professional dated 16.11.2021 shows that an amount of Rs.20,15,803/- is due to the applicant from the insolvent company. In these circumstances, the investigation is based on documentary evidence pertaining to insolvent company, for which arrest and custodial interrogation of the applicant may not be necessary now. The case is made out to exercise discretion in favour of the applicant, subject to condition. Hence, the order :-

**ORDER**

1. The application is allowed.
2. In the event of arrest of applicant-Atul Surendra Pandey in Crime No.155/2023 registered with Sahar Police Station for the offences punishable under sections 120(B), 408, 409, 477-A, 420 r/w. Section 34 of I.P.C, he be released on his executing

personal bond of Rs.20,000/- (Rupees Twenty thousand only) with a surety in the like amount, on the following conditions :-

- (i) He shall attend Investigating Officer on 21.07.2025 and 22.07.2025 between 10.00 a.m. to 2.00 p.m. and thereafter as and when called by the Investigating Officer under written intimation to that effect, till filing of the charge sheet or 60 days from today, whichever is earlier.
  - (ii) He shall co-operate investigation.
  - (iii) He shall not tamper with prosecution evidence.
3. Inform the concerned Police Station, accordingly.
  4. Anticipatory Bail Application No.979/2025 stands disposed off, accordingly.

**(Dictated and pronounced in open Court.)**

**Date: 17.07.2025**

**(T. T. Aglawe)**  
Addl. Sessions Judge  
Sessions Court,  
Borivali Division, Dindoshi

Dictated on : 17.07.2025  
Transcribed on : 17.07.2025  
Checked & signed on : 17.07.2025

CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED JUDGMENT/ORDER.”	
UPLOAD DATE AND TIME 17.07.2025 AT 5.30 P.M.	Atul Suryakant Bhogte NAME OF STENOGRAPHER
Name of Judge (with Court room no.)	HHJ Shri T.T. Aglawe, City Civil & Sessions Court, Borivali Div., Dindoshi. (C.R.No.10)
Date of Pronouncement of JUDGMENT/ORDER	17.07.2025
JUDGMENT/ORDER signed by P.O. on	17.07.2025
JUDGMENT/ORDER uploaded on	17.07.2025

BA 878/2023

1

MHCC050050542023



IN THE COURT OF SESSIONS AT DINDOSHI  
(BORIVALI DIVISION), GOREGAON, MUMBAI

CRIMINAL BAIL APPLICATION NO. 878 OF 2023

**Swapnil Baban Chavan,**

Age : 34 yrs., Occupation : service,  
R/o : Chavan House, Marol Maroshi Road,  
Andheri E. Mumbai

**..Applicant**

**Vs**

**The State of Maharashtra**  
( through Sahar Police Station )

**..Respondent**

Ld. Adv. S.S. Gandhi, for the applicant.  
Ld. APP P.K. Mahajan, for the State.

**CORAM : H.H. THE ADDITIONAL SESSIONS JUDGE  
DR. (SMT.) SRISHTY NEELKANTH (C.R.NO.4)**

**DATE : 12<sup>th</sup> October, 2023**

**ORDER**

This is an application for releasing the applicant on bail, in respect of C. R. No. 155 of 2023, registered with Sahar Police Station, for the offences punishable under Sections 408, 409, 477-A, 420, 120-B, 34 of the Indian Penal Code.

2

The facts of the case as appears from the FIR are that :-

The informant is the Chairman and the Executive Director of

Supreme Transport Pvt. Ltd. and Sangeeta Aviation Service Pvt. Ltd. Apart from the informant, his father, his younger brother, other co-accused namely Vimal Agarwal and Girish Agarwal are also the Directors in Supreme Transport Pvt. Ltd. The main business of the said company is road transport and air transport of goods. The company owns some vehicles and aircraft. Apart from this, vehicles are taken on rent basis as required for the business of the company. The main office of the said company is at Mumbai and its branches and divisional offices are at Panvel, Kalamboli, Rajasthan, Gujarat, Delhi and Bangalore. Vimal Agarwal and Girish Agarwal are the cousins of the informant and reside at Bangalore and Delhi respectively. Both of them stay in Mumbai for a few days every month and participate in the day-to-day affairs of the company.

3 Supreme Transport Pvt. Ltd. company is running in loss since 2012. The entire work of both these companies are being looked after from the office situated at Andheri (E). National Company Law Tribunal ( N.C.L.T. ) by an order dated 10.08.2021 had declared Sangeeta Aviation Service Pvt. Ltd. Company as an insolvent. Appeal against the Impugned Order of the N.C.L.T. is subjudice before the Appellate Court. In the year 2014, one of the co-accused namely Varun Ramesh Kakriya was appointed as an Assistant. In the year 2016, other co-accused Kamlesh Bhairav Tatawat was appointed as Chief Finance Officer and his cousin brother Mukesh Bhairav Tatawat was appointed as Chief Operation Officer in the company of the informant. As the informant had to often go abroad and to various other places in India, therefore, to look after the financial affairs of both the companies, the entire responsibility was handed over to Kamlesh

Bhairav Tatawat. The old friends of the informant i.e. Swapnil Chavan ( present applicant ) and Atul Pandey also used to visit the office of the company.

4 As a CEO of the company, in the month of July 2022, the informant came to know that some amount was to be recovered from Nippon Ltd. Company. Therefore, after issuing several e-mail correspondence, the informant was informed on 26.08.2022 by the officials of Nippon Company Ltd. that on 26.07.2022, they had deposited Rs. 3,22,616/- in the Bank of India account of the company. The informant also came to know that on 27.07.2022, Rs. 3,23,278/- came to be transferred from the said account in the bank account of Vimal Agarwal. After enquiry, the informant came to know that there had been misappropriation of huge amount in the company. The informant, therefore, enquired about the financial transactions of the company through the Chartered Accountant of the company. After getting an Enquiry Report, the informant came to know that the applicant along with other accused had misappropriated total amount of Rs. 6,27,36,180/- by transferring the respective amounts in their accounts through the accounts of the companies. Accordingly, report came to be lodged in the Sahar Police Station.

5 The learned Advocate for the applicant/accused submitted that the applicant/accused has been falsely implicated and the informant is on vengeance spree against the co-accused and his childhood friend who he thinks are in league with the co-accused. It is contended that the applicant/accused had no access to the accounts of the company, bank

accounts of the company and also to the drawing of cheques and practically if all the cheques are verified by which the amount has been transferred by the company are mostly signed by the informant or the authorized person of the company who under no circumstances could be influenced by the applicant/accused. It is contended that the amount which has received from Sangeeta Aviation Services Pvt. Ltd. by the applicant/accused are transferred out of the bank accounts of the company, which amounts are also reflected in the Balance sheets of the company for the FY 2018-2021 which the informant himself has signed and also submitted the records with the Income Tax Department and the ROC and therefore, it is the case where the entire act of transfer of money from the informant company to the applicant is within his knowledge. The applicant was issued TDS certificates by SASPL for the respective years i.e. 2017-2021 clearly reflecting that the payments were made by the company towards the services rendered by the applicant. The applicant/accused had no criminal antecedents. He thus prayed that the applicant/accused was ready to abide by the terms and conditions imposed by the court, so the bail application be allowed.

6           The prosecution vide its say ( Exh. 04 ) resisted the application mainly on the ground that the intimation letter mentions the details of the amount paid to the accused from the year 2017 to 2021 but it appears that this amount is from an earlier transaction. TDS certificate of the said amount also has been submitted by the applicant/accused. The said amount has been accepted by the accused during that period. The misappropriated amount of the crime is of the year 2021 and does not

match the amount in the Intimation Letter or TDS certificate. An inquiry was made with the informant regarding the TDS certificate submitted by the applicant/accused. The informant has stated that during the financial year 2017 to 2021, no amount of TDS has been deducted from the account of the Sangeeta Aviation Service Pvt. Ltd. as claimed by the accused. They are investigating with the Income Tax Department regarding the authenticity of the said TDS certificate. While trying to recover the said amount, the applicant/accused said that the said amount was again spent in the project work of the company. If the applicant claims that he received the said amount towards the services rendered by the applicant to the company, then why would he again spend the said amount in the company's project and pay the full amount to the company. The misappropriated amount should be recovered from him. It is thus, prayed that the application be rejected.

7. Heard both sides.

8. Admittedly there are serious allegations against the applicant/accused that he had siphoned Rs. 45,52,400/- from the account of Sangeeta Aviation Services Pvt. Ltd. However, it is seen that investigation is over and charge-sheet has been filed. He is in custody since 15.06.2023. No purpose will be served by keeping him behind bars. His presence can be ensured by imposing certain conditions on him. Hence, the following order :

**ORDER**

1) Criminal Bail Application No. 878 of 2023 under Section 439 of the Code of Criminal Procedure is allowed.

2) The applicant **Swapnil Baban Chavan** be released on bail, in connection with CR No. 155 of 2023, registered with Sahar Police Station, for the offences punishable under Sections 408, 409, 477-A, 420 read with Section 120-B and 34 of the Indian Penal Code, on his executing PR bond of Rs. 15,000/- (Rupees Fifteen Thousand Only), with one solvent surety in the like amount on following conditions :

a) Applicant shall not attempt to tamper with the evidence of the prosecution in any manner.

b) Applicant shall furnish his proof of permanent and present residence, his phone number along with the proof of permanent address and phone number of two of his blood relations, to avoid the possibility of his absconding.

3) Criminal Bail Application No. 878 of 2023 is hereby disposed of accordingly.

sd/-

DR. (SMT.) SRISHTY NEELKANTH  
Additional Sessions Judge,  
City Civil Court, Borivali Division,  
Dindoshi, Goregaon, Mumbai.

Date : 12/10/2023

Dictated on Computer : 12/10/2023  
Checked & Corrected on : 18/10/2023  
Sign on : 18/10/2023

CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED JUDGMENT/ORDER.”	
18/10/2023 at 4.13 p.m. UPLOAD DATE AND TIME	Mrs. S.B. Vichare NAME OF STENOGRAPHER
Name of Judge (with Court room no.)	HHJ Dr. (Smt) Srishty Neelkanth City Civil & Sessions Court, Borivali Div., Dindoshi, Mumbai ( C.R.No. 04 )
Date of Pronouncement of JUDGEMENT/ORDER	12/10/2023
JUDGEMENT/ORDER signed by P.O. on	18/10/2023
JUDGEMENT/ORDER uploaded on	18/10/2023



MHCC050035472023



**IN THE COURT OF SESSIONS AT DINDOSHI  
(BORIVALI DIVISION), GOREGAON, MUMBAI**

**ANTICIPATORY BAIL APPLICATION NO. 1100 OF 2023**

**IN**

**( C. R. No. 155 of 2023 of Sahar Police Station, Mumbai )**

**Smt. Sneha Baban Chavan,**

Age : 53 yrs., Adult Indian Inhabitant,

Occupation : Home maker,

R/o : Chavan House, Marol Maroshi Road,

Andheri East, Mumbai.

**..Applicant**

**V/s**

**The State of Maharashtra**

(through Sahar Police Station, Mumbai)

**..Respondent**

Ld. Adv. S.S. Gandhi, for the applicant.

Ld. APP P. K. Mahajan, for the State.

Ld. Adv. P. Ranjan, for the intervenor.

**CORAM : H.H. THE ADDITIONAL SESSIONS JUDGE  
DR. (SMT.) SRISHTY NEELKANTH (C.R.NO.4)**

**DATE : 20<sup>th</sup> July, 2023**

**ORDER**

This is an application for the grant of anticipatory bail under Section 438 of the Code of Criminal Procedure, in connection with C.R. No. 155 of 2023 registered with Sahar Police Station, for the offences punishable under Sections 408, 409, 477-A, 420 read with

120(B) and 34 of the Indian Penal Code.

2 On 25.04.2023, at the instance of one Ameet Kamal Agarwal, aforesaid offence came to be registered.

The facts of the case as appears from the FIR are that :-

The informant is the Chairman and the Executive Director of Supreme Transport Pvt. Ltd. and Sangeeta Aviation Service Pvt. Ltd. Apart from the informant, his father, his younger brother, other co-accused namely Vimal Agarwal and Girish Agarwal are also the Directors in Supreme Transport Pvt. Ltd. The main business of the said company is road transport and air transport of goods. The company owns some vehicles and aircraft. Apart from this, vehicles are taken on rent basis as required for the business of the company. The main office of the said company is at Mumbai and its branches and divisional offices are at Panvel, Kalamboli, Rajasthan, Gujarat, Delhi and Bangalore. Vimal Agarwal and Girish Agarwal are the cousins of the informant and reside at Bangalore and Delhi respectively. Both of them stay in Mumbai for a few days every month and participate in the day-to-day affairs of the company.

3 Supreme Transport Pvt. Ltd. company is running in loss since 2012. The entire work of both these companies is being looked after from the office situated at Andheri (E). The National Company Law Tribunal ( N.C.L.T. ) by an order dated 10.08.2021 had declared Sangeeta Aviation Service Pvt. Ltd. Company as an insolvent. Appeal against the Impugned Order of the N.C.L.T. is subjudice before the Appellate Court. In the year 2014, one of the co-accused namely Varun Ramesh Kakriya was appointed as an Assistant. In the year 2016, the other co-accused Kamlesh Bhairav Tatawat was appointed as Chief

Finance Officer and his cousin brother Mukesh Bhairav Tatawat was appointed as Chief Operation Officer in the company of the informant. As the informant had to often go abroad and to various other places in India, therefore, to look after the financial affairs of both the companies, the entire responsibility was handed over to Kamlesh Bhairav Tatawat. The old friends of the informant i.e. Swapnil Chavan and Atul Pandey also used to visit the office of the company.

4 As a CEO of the company, in the month of July 2022, the informant came to know that some amount was to be recovered from Nippon Ltd. Company. Therefore, after issuing several e-mail correspondence, the informant was informed on 26.08.2022 by the officials of Nippon Company Ltd. that on 26.07.2022, they had deposited Rs. 3,22,616/- in the Bank of India account of the company. The informant also came to know that on 27.07.2022, Rs. 3,23,278/- came to be transferred from the said account in the bank account of Vimal Agarwal. After enquiry, the informant came to know that there had been misappropriation of huge amount in the company. The informant, therefore, enquired about the financial transactions of the company through the Chartered Accountant of the company. After getting an Enquiry Report, the informant came to know that the applicant along with other accused had misappropriated total amount of Rs. 6,27,36,180/- by transferring the respective amounts in their accounts through the accounts of the companies. Accordingly, report came to be lodged in the Sahar Police Station.

5 By this application the applicant has contended that the informant has been regularly visiting the house of the applicant as her son Swapnil Chavan and the informant were the childhood friends. Her son and the informant had travelled together to USA where her son was assured of a Pilot's License but the informant could not get him the same. Further, the informant had opened a company in Gulf country in the name of her son which in fact her son was not also aware and the informant in order to convert his company's money into cash used to transfer funds in various accounts and the same used to be withdrawn by the informant by getting 'Self' cheque collected from the parties in whose name the funds were transferred from his company.

6 It is further contended that the applicant has been falsely implicated and the informant is on vengeance spree against the co-accused and his childhood friend who he thinks are in league with the co-accused. By an order dtd. 10.08.2021, NCLT-III, Mumbai suspended all the Directors and employees of the said company and the Hon'ble Tribunal had appointed Mr. Bijendra Zha as a IRP to carry out the remaining process. Therefore, the informant was having no locus/authority to file the present FIR, as all the management and control is vested with IRP. As far as M/s Supreme Transport Organization Pvt. Ltd. is concerned, no Board Meeting had been called for lodging the complaint and it is handiwork of the informant merely to divert the attention from his illegalities and civil proceedings going on before NCLT. It is further contended that the account in which deposits had been made and withdrawn were all managed by the informant and her son being the friend of the informant and she was not even aware of the transaction. It is further contended that Section 408 and Section

409 of the IPC are not applicable as she was never entrusted with any amount and even presuming she was entrusted the funds, the same have been withdrawn in cash by the informant himself. It is further contended that Section 477-A of the IPC is not applicable against her as she had no access to the company records and so could not falsify the accounts of the company. Section 420 of the IPC is also not applicable as it is not the case of the informant that he was induced by the applicant and therefore his company transferred the amount in her account and thus it can be safely said that prima facie also there is no accusation against her for which she can be charged under the IPC. It is further contended that the amount which had been received from Sangeeta Aviation Services Pvt. Ltd. Co. are transferred in her account and which the complainant has justified in the balance sheet of his company which he himself has signed and also submitted the records to the Income Tax Department and the ROC. Therefore, it is the case where the entire act of transfer of money from the informant's company to the applicant is within his knowledge and same money has been withdrawn by the informant in cash. All the account during the above said period when the alleged fraud has taken place have been audited by the company and the same have been signed by the applicant and are submitted to the Competent Authority i.e. ROC. It is further submitted that the dispute between the parties is pending for adjudication before NCLT and the present FIR is an abuse of the process of law. Claiming herself to be innocent, the applicant has contended that she is falsely implicated by the informant with oblique motive and to pressurize the applicant. The applicant is ready to co-operate the Investigating Agency and to abide the terms and conditions imposed by the Court. The applicant, therefore, prayed for her release on

anticipatory bail.

7           The prosecution vide say Exh. 03 resisted the application mainly on the ground that from the verification of the bank account it has revealed that an amount of Rs. 47,55,000/- was transferred from the bank account of the company to the bank account of the applicant and she had misappropriated the same. No relevant information has been given in the application regarding the purpose for which the said amount was used by the applicant. The applicant is hiding the truth about where she disposed of the money embezzled by her and thus, it shows her aim to obstruct the investigation. If the applicant is granted anticipatory bail, she may abscond and there is possibility of tampering with the evidence. It is further admitted that the custodial interrogation of the applicant is required as the investigation of the said crime is at a preliminary stage. The applicant and other accused have embezzled more than 6 crores by diverting the money of M/s Supreme Transport Organization Pvt. Ltd. and M/s Sangeeta Aviation Services Pvt. Ltd. to their own bank account during the period from 2018 to 2022 in a pre-planned conspiracy. From the verification of the applicant's bank account, it is revealed that she has immediately withdrawn all the embezzled amount and invested it in Shares, Fixed Deposit or elsewhere. The custodial interrogation of the applicant is required to seize the said amount. There is possibility that the applicant with the help of other accused may have purchased immovable or movable property with the embezzled amount or invested in other places and the investigation in respect of that is going on. The investigation revealed that the family member of the applicant was also involved in disposing of the embezzled amount and accordingly she is to be investigated. It

will not be possible to seize the property of embezzlement in the said crime if pre-arrest bail is granted. It is further submitted that the Chartered Accountant of the company Loya and Mundada in their report had contended that the records of the above amount transferred to the bank account of the accused have not been found in the account book of the company. The informant also resisted the application by filing intervener application.

8 The learned APP placed reliance upon -

**1) P. Chidambaram Vs Directorate of Enforcement AIROnline 2019 SC 1001 and 2) Jai Prakash Singh Vs State of Bihar and anr. AIR 2012 SUPREME COURT 1676** wherein the Hon'ble Supreme Court observed that “ *power under Section 438 Cr.P.C. is an extraordinary power and the same has to be exercised sparingly. The privilege of the pre-arrest bail should be granted only in exceptional cases. The judicial discretion conferred upon the court has to be properly exercised after application of mind as to the nature and gravity of the accusation; possibility of applicant fleeing justice and other factors to decide whether it is a fit case for grant of anticipatory bail.* ”

He further relied upon **3) Nilesh Vishwas Shelke Vs State of Maharashtra AIROnline 2019 Bom 2850, 4) Sukesh Gupta Vs State of Maharashtra AIROnline 2021 Bom 3141 and 5) Nilesh Sahebrao Pawar Vs State of Maharashtra AIROnline 2020 Bom 3162** wherein when after considering the FIR and the documents and the investigation conducted by the Investigating Officer, prima facie disclosed the complicity of the applicants in the crime, the Hon'ble Bombay High Court held that custodial interrogation of the applicant is necessary and rejected the anticipatory bail application of the applicant.

The learned APP thus prayed that the present application be rejected.

9 I have considered the submissions of learned advocate for the applicant, learned advocate for the intervener, learned APP and Investigating Officer. I have also gone through the material placed on record by the parties and also perused the case diary.

10 It is seen that in a major part of the application of the applicant, there are allegations of unauthorized and arbitrary decision taken by the informant with respect of the companies and also the details regarding the numerous cases filed against the informant. However, no sufficient explanation has been brought forth by the applicant regarding the alleged amount that had been transferred in her account. The offence is purely economic in nature. Merely that the informant is having earlier criminal antecedents, and his company has been declared insolvent itself is not sufficient, at this juncture, to hold that the applicant has falsely implicated just to pressurize her. On the contrary, on the basis of aforesaid facts and circumstances, the applicant is found to be prima-facie involved in committing the said offence. Investigation in this crime is at a primary stage. Having regard to the total misappropriated amount which is of Rs. 47,55,000/- by the applicant/accused, in my view, custodial interrogation of the applicant will certainly be required to elicit material information and to recover aforesaid amount. The investigating officer has also filed the audit report of Supreme Transport Organization Private Limited and Sangeeta Aviation Services Private Limited for the period of 2018 till date conducted by Loya and Mundada Chartered Accountants. The said

report shows the unauthorized transfer of Rs. 47,55,000/- in the account of the applicant. Though the learned advocate of the applicant has submitted that as the applicant was a woman and a home maker, so her case be considered leniently, but as is the law that there can be no lenient approach based on the gender when sufficient prima-facie case has been made out against the accused. Thus, considering the facts and circumstances of the case and placing reliance on the observations of the Superior Courts in the case of 1) **P. Chidambaram (Supra)**, **Jai Prakash Singh (Supra)**, 3) **Nilesh Vishwas Shelke (Supra)**, 4) **Sukesh Gupta (Supra)**, and 5) **Nilesh Sahebrao Pawar (Supra)** with respect to consideration of the factors while deciding an Anticipatory Bail Application, following order is passed :-

**ORDER**

- 1) Anticipatory Bail Application No. 1100 of 2023 is hereby rejected and disposed of accordingly.
- 2) The concerned Police Station be informed accordingly.

sd/-

(DR. (SMT.) SRISHTY NEELKANTH )  
Additional Sessions Judge,  
City Civil Court, Borivali Division,  
Dindoshi, Goregaon, Mumbai.

Date : 20/07/2023

Dictated on Computer : 20/07/2023  
Checked & Corrected on : 21/07/2023  
Sign on : 21/07/2023

CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED JUDGMENT/ORDER.”

24/07/2023 at 11.35 a.m.  
UPLOAD DATE AND TIME

Mrs. S.B. Vichare  
NAME OF STENOGRAPHER

Name of Judge (with Court room no.)	HHJ Dr. (Smt) Srishty Neelkanth City Civil & Sessions Court, Borivali Div., Dindoshi, Mumbai ( C.R.No. 04 )
Date of Pronouncement of JUDGEMENT/ORDER	20/07/2023
JUDGEMENT/ORDER signed by P.O. on	21/07/2023
JUDGEMENT/ORDER uploaded on	24/07/2023

MHCC050034492023



**IN THE COURT OF SESSIONS AT DINDOSHI  
(BORIVALI DIVISION), GOREGAON, MUMBAI**

**ANTICIPATORY BAIL APPLICATION NO. 1069 OF 2023**

**IN**

**( C. R. No. 155 of 2023 of Sahar Police Station, Mumbai )**

**Mr. Atul Surendra Pandey,**

Age : 39 yrs., Indian adult,

Occupation : service,

R/o : Flat No. 7, Building No. 54,

Yogendra Bhavan, J.B. Nagar, Andheri East,

Mumbai - 400 059.

**..Applicant**

**V/s**

**The State of Maharashtra**

(through Sahar Police Station, Mumbai)

**..Respondent**

Ld. Adv. Ramesh Pandey, for the applicant.

Ld. APP P. K. Mahajan, for the State.

Ld. Adv. P. Ranjan, for the intervenor.

**CORAM : H.H. THE ADDITIONAL SESSIONS JUDGE  
DR. (SMT.) SRISHTY NEELKANTH (C.R.NO.4)**

**DATE : 20<sup>th</sup> July, 2023**

**ORDER**

This is an application for the grant of anticipatory bail under Section 438 of the Code of Criminal Procedure, in connection with C.R. No. 155 of 2023 registered with Sahar Police Station, for the

offences punishable under Sections 408, 409, 477-A, 420 read with 120(B) and 34 of the Indian Penal Code.

2 On 25.04.2023, at the instance of one Ameet Kamal Agarwal, aforesaid offence came to be registered.

The facts of the case as appears from the FIR are that :-

The informant is the Chairman and the Executive Director of Supreme Transport Pvt. Ltd. and Sangeeta Aviation Service Pvt. Ltd. Apart from the informant, his father, his younger brother, other co-accused namely Vimal Agarwal and Girish Agarwal are also the Directors in Supreme Transport Pvt. Ltd. The main business of the said company is road transport and air transport of goods. The company owns some vehicles and aircraft. Apart from this, vehicles are taken on rent basis as required for the business of the company. The main office of the said company is at Mumbai and its branches and divisional offices are at Panvel, Kalamboli, Rajasthan, Gujarat, Delhi and Bangalore. Vimal Agarwal and Girish Agarwal are the cousins of the informant and reside at Bangalore and Delhi respectively. Both of them stay in Mumbai for a few days every month and participate in the day-to-day affairs of the company.

3 Supreme Transport Pvt. Ltd. company is running in loss since 2012. The entire work of both these companies are being looked after from the office situated at Andheri (E). National Company Law Tribunal ( N.C.L.T. ) by an order dated 10.08.2021 had declared Sangeeta Aviation Service Pvt. Ltd. Company as an insolvent. Appeal against the Impugned Order of the N.C.L.T. is subjudice before the Appellate Court. In the year 2014, one of the co-accused namely Varun

Ramesh Kakriya was appointed as an Assistant. In the year 2016, other co-accused Kamlesh Bhairav Tatawat was appointed as Chief Finance Officer and his cousin brother Mukesh Bhairav Tatawat was appointed as Chief Operation Officer in the company of the informant. As the informant had to often go abroad and to various other places in India, therefore, to look after the financial affairs of both the companies, the entire responsibility was handed over to Kamlesh Bhairav Tatawat. The old friends of the informant i.e. Swapnil Chavan and Atul Pandey ( the applicant herein ) also used to visit the office of the company.

4 As a CEO of the company, in the month of July 2022, the informant came to know that some amount was to be recovered from Nippon Ltd. Company. Therefore, after issuing several e-mail correspondence, the informant was informed on 26.08.2022 by the officials of Nippon Company Ltd. that on 26.07.2022, they had deposited Rs. 3,22,616/- in the Bank of India account of the company. The informant also came to know that on 27.07.2022, Rs. 3,23,278/- came to be transferred from the said account in the bank account of Vimal Agarwal. After enquiry, the informant came to know that there had been misappropriation of huge amount in the company. The informant, therefore, enquired about the financial transactions of the company through the Chartered Accountant of the company. After getting an Enquiry Report, the informant came to know that the applicant along with other accused had misappropriated total amount of Rs. 6,27,36,180/- by transferring the respective amounts in their accounts through the accounts of the companies. Accordingly, report came to be lodged in the Sahar Police Station.

5 By this application the applicant has contended that by an order dated 10.08.2021, NCLT-III, Mumbai suspended all the Directors and employees of Sangeeta Aviation Service Pvt. Ltd. and the Tribunal had appointed Mr. Bijendra Zha as an Interim Resolution Professional ( IRP ) to carry out the remaining process. Therefore, the informant had no locus/authority to file the present FIR, as all the management and control is vested with IRP. It is further contended that Sangeeta Aviation Service Pvt. Ltd. is a company fully controlled and managed by the informant and his family members. The applicant and his mother Mrs. Rajni Pandey were merely providing consultancy services at the request of the informant. The finances and all the online transactions were controlled by the informant. It is further contended that even the control of E-mail ID's and back-up and the entire IT were under the control of the informant and the informant was also in a position to change the password and block the users of any email address.

6 It is further contended that the funds received during the period from 31.08.2019 till 15.12.2021 to the applicant in his HDFC bank account was the applicant's fee of being an Airport Consultant for Sangeeta Aviation Services Pvt. Ltd. However, the informant intentionally did not mention two transactions of Rs. 17,48,000/- done on 24.11.2021 and another transaction of Rs. 8,91,000/- done on 25.11.2021 from the applicant's personal savings bank account to the informant's HDFC bank personal savings account. This clearly shows his malicious intentions as enmity towards the applicant as the informant is supposed to pay the remaining money of their agreement to the applicant.

7           It is further contended that the informant had sold out various properties of M/s Supreme Transport Organization Pvt. Ltd. and transferred money in his foreign bank accounts, therefore, Mr. Satish Kisanlal Agarwal, Mr. Arun K. Agarwal, Mr. Anandkumar N. Agarwal, Mr. Ravindra A. Agarwal had filed Company Petition bearing No. 88 of 2015 before the Hon'ble NCLT, Mumbai against M/s Supreme Transport Organization Pvt. Ltd., Mr. Kamal N. Agarwal, Mr. Vimal Agarwal, Mr. Girish Agarwal, Mr. Ameet Agarwal ( the informant ), Mr. Akash Agarwal, M/s Sangeeta Aviation Services Pvt. Ltd., M/s Madhya Pradesh State Tourism Development Corporation Ltd. Mr. Dinesh S. Chaudhary. Mr. Vimal Agarwal, Mr. Girish Agarwal had filed company application in the above matter seeking to transpose of them as petitioner in main Petition No. 88 of 2015. In the said application, they made several allegations against the informant, his father and his brother of embezzlement of funds, misappropriation and mismanagement of working of the company and misusing their authority with regard to M/s Supreme Transport Organization Pvt. Ltd. The NCLT passed order dated 05.12.2022 on all the assets of M/s Supreme Transport Organization Pvt. Ltd. that Mr. Kamal Agarwal, Mr. Akash Agarwal and the informant are not authorized to deal with any property of M/s Supreme Transport Organization Pvt. Ltd. It is further contended that the motive behind filing the present FIR against the present applicant is to pressurize and defame the applicant so that the applicant does not dare to ask for the remaining fees or file complaint against the informant. The applicant had filed an N.C. in Andheri East Police Station against the informant. It is submitted that the applicant was being falsely implicated in this case. He was ready to co-operate with the Investigating Agency and to abide the terms and conditions imposed

by the Court. The applicant, therefore, prayed for his release on anticipatory bail.

8           The prosecution vide say Exh. 05 resisted the application mainly on the ground that the verification of the bank account of the applicant has revealed that the applicant embezzled an amount of Rs. 37,34,000/- from the company's bank account by transferring it to his bank account. No relevant information has been given in the application regarding the purpose for which the said amount was used by the applicant. The applicant is hiding the truth about where he disposed of the money embezzled by the applicant and thus, it shows his aim to obstruct the investigation. It is submitted that if the applicant is granted anticipatory bail, he may abscond and there is possibility of tampering with evidence. The custodial interrogation of applicant is required as the investigation of the said crime is at preliminary stage. The applicant and other accused have embezzled more than 6 crores by diverting the money of M/s Supreme Transport Organization Pvt. Ltd. and M/s Sangeeta Aviation Services Pvt. Ltd. to their own bank account during the period from 2018 to 2022 in a pre-planned conspiracy. From the verification of the applicant's bank account, it has been revealed that he has immediately withdrawn all the embezzled amount and invested it in Shares, Fixed Deposit or elsewhere. It is thus submitted that the custodial interrogation of the applicant is thus required to seize the said amount. There is possibility that the applicant with the help of other accused may have purchased immovable or movable property with the embezzled amount or invested in other places and the investigation in respect of that is going on. The investigation revealed that the family member of the applicant i.e. his mother was also involved in disposing

of the embezzled amount and accordingly she is to be investigated. The prosecution further submitted that it will not be possible to seize the property of embezzlement in the said crime if pre-arrest bail is granted. The audit report of CA Mundada of the company is relied upon wherein he has contended that the records of the above amount transferred to the bank account of the accused have not been found in the account book of the company. The informant also resisted the application by filing intervener application.

9 The learned APP placed reliance upon -

**1) P. Chidambaram Vs Directorate of Enforcement AIROnline 2019 SC 1001 and 2) Jai Prakash Singh Vs State of Bihar and anr. AIR 2012 SUPREME COURT 1676** wherein the Hon'ble Supreme Court observed that “ *power under Section 438 Cr.P.C. is an extraordinary power and the same has to be exercised sparingly. The privilege of the pre-arrest bail should be granted only in exceptional cases. The judicial discretion conferred upon the court has to be properly exercised after application of mind as to the nature and gravity of the accusation; possibility of applicant fleeing justice and other factors to decide whether it is a fit case for grant of anticipatory bail.* ”

He further relied upon **3) Nilesh Vishwas Shelke Vs State of Maharashtra AIROnline 2019 Bom 2850, 4) Sukesh Gupta Vs State of Maharashtra AIROnline 2021 Bom 3141 and 5) Nilesh Sahebrao Pawar Vs State of Maharashtra AIROnline 2020 Bom 3162** wherein when after considering the FIR and the documents and the investigation conducted by the Investigating Officer, prima facie disclosed the complicity of the applicants in the crime, the Hon'ble Bombay High Court held that custodial interrogation of the applicant is

necessary and rejected the anticipatory bail application of the applicant.

The learned APP thus prayed that the present application be rejected.

10 It is seen that the applicant claims that he was a consultant with the company and so he was receiving remuneration as his consultancy fees. On the other hand, he also relied upon a Loan Agreement under which he claims he was supposed to receive money from the company. But it is seen from the police report that there were repeated entries of deposit of amounts in a month for which no plausible explanation has come forth. The learned advocate of the applicant while arguing his case relied upon a letter of confirmation dated 07.08.2019 and a notice dated 09.08.2019. It has not been explained by the learned advocate of the applicant that if these letters are to be considered then why did the applicant send notice on 09.08.2019 to Sangeeta Aviation Services Pvt. Ltd. for receiving his balance outstanding amount if he had already received a confirmation letter on 07.08.2019 from the said company confirming his outstanding dues. Even the appointment letter produced by him is denied by the informant as being a forged document. Further, though it is stated that Sangeeta Aviation Services Pvt. Ltd. went into insolvency by order dated 10.08.2021 but there are money transfers in the account of the applicant from the account of the said company on 23.11.2021. No satisfactory explanation is forthcoming regarding this from the advocate of the applicant. This prima-facie strengthens the case of the informant that the accused were managing the accounts of the companies.

11           It is also contended by the applicant that he was a friend of the informant. He had been falsely implicated in this case just to pressurize, harass and scare and defame the applicant and his mother, so that he doesn't dare to ask for the remaining fee which was due to him by the informant. On the other hand, it is the case of the prosecution that the applicant was not the employee of the company and was not concerned with the company in any way. Admittedly, no document to show his appointment as a consultant is produced by the applicant. Perusal of the report of the Investigating Officer shows that Rs. 37,34,000/- was transferred into the HDFC bank account of the applicant from the account of Sangeeta Aviation Company Pvt. Ltd. and Ameet Agarwal. The report filed by the auditor i.e. Chartered Accountant Mundada states that the said amount does not reflect in the account book of the company. It has also been revealed in the investigation that even the mother of the applicant i.e. Smt. Rajni Pandey, though was not an employee of the company nor had she rendered any services to the company, still there were money transfers in her account from the company's account. Whether the informant was himself trying to grab all the assets of the companies as alleged, can only be ascertained after investigation. Further, the applicant has tried to bring on record the criminal antecedents of the informant and that his company had been declared insolvent. But this is not sufficient, at this juncture, to hold that the informant had falsely implicated the applicant to pressurize him.

12           On the contrary, on the basis of the aforesaid facts and circumstances, the applicant is found to be prima-facie involved in the offence. Investigation is still in progress. Having regard to the total

misappropriated amount which is of Rs. 37,34,000/-, in my view, custodial interrogation of the applicant will be required to elicit material information and to recover the aforesaid amount. Thus, considering the facts and circumstances of the case and placing reliance on the observations of the Superior Courts in the case of 1) **P. Chidambaram (Supra)**, **Jai Prakash Singh (Supra)**, 3) **Nilesh Vishwas Shelke (Supra)**, 4) **Sukesh Gupta (Supra)**, and 5) **Nilesh Sahebrao Pawar (Supra)** with respect to consideration of the factors while deciding an Anticipatory Bail Application, following order is passed :-

**ORDER**

- 1) Anticipatory Bail Application No. 1069 of 2023 is hereby rejected and disposed of accordingly.
- 2) The concerned Police Station be informed accordingly.

sd/-

(DR. (SMT.) SRISHTY NEELKANTH )  
Additional Sessions Judge,  
City Civil Court, Borivali Division,  
Dindoshi, Goregaon, Mumbai.

Date : 20/07/2023

Dictated on Computer : 20/07/2023  
Checked & Corrected on : 21/07/2023  
Sign on : 21/07/2023

CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED JUDGMENT/ORDER.”

24/07/2023 at 11.33 a.m.  
UPLOAD DATE AND TIME

Mrs. S.B. Vichare  
NAME OF STENOGRAPHER

Name of Judge (with Court room no.)	HHJ Dr. (Smt) Srishty Neelkanth City Civil & Sessions Court, Borivali Div., Dindoshi, Mumbai ( C.R.No. 04 )
Date of Pronouncement of JUDGEMENT/ORDER	20/07/2023
JUDGEMENT/ORDER signed by P.O. on	21/07/2023
JUDGEMENT/ORDER uploaded on	24/07/2023

BA 570/2023

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MHCC050034452023



**IN THE COURT OF SESSIONS AT DINDOSHI  
(BORIVALI DIVISION), GOREGAON, MUMBAI**

**CRIMINAL BAIL APPLICATION NO. 570 OF 2023**

**Swapnil Baban Chavan,**  
Adult, Indian Inhabitant,  
Age : 34 yrs., Occupation : Consultant,  
R/o : Chohan House, Marol Maroshi Road,  
Andheri East, Mumbai.

**..Applicant**

**Vs**

**1) The State of Maharashtra,  
2) The Inspector of Police,  
( through Sahar Police Station )**

**..Respondent**

Ld. Adv. S.S. Gandhi, for the applicant.  
Ld. APP P.K. Mahajan, for the State.  
Ld. Adv. Pokharkar, for the intervener.

**CORAM : H.H. THE ADDITIONAL SESSIONS JUDGE  
DR. (SMT.) SRISHTY NEELKANTH (C.R.NO.4)**

**DATE : 19<sup>th</sup> July, 2023**

**ORDER**

This is an application for releasing the applicant on bail, in respect of C. R. No. 155 of 2023 registered with Sahar Police Station, for the offences punishable under Sections 408, 409, 477-A, 420 read with

120(B) and 34 of the Indian Penal Code.

2 At the instance of the informant the aforesaid offence came to be registered.

The facts of the case as appears from the FIR are that :-

The informant is the Chairman and the Executive Director of Supreme Transport Pvt. Ltd. and Sangeeta Aviation Service Pvt. Ltd. Apart from the informant, his father, his younger brother, other co-accused namely Vimal Agarwal and Girish Agarwal are also the Directors in Supreme Transport Pvt. Ltd. The main business of the said company is road transport and air transport of goods. The company owns some vehicles and aircraft. Apart from this, vehicles are taken on rent basis as required for the business of the company. The main office of the said company is at Mumbai and its branches and divisional offices are at Parnavel, Kalamboli, Rajasthan, Gujarat, Delhi and Bangalore. Vimal Agarwal and Girish Agarwal are the cousins of the informant and reside at Bangalore and Delhi respectively. Both of them stay in Mumbai for a few days every month and participate in the day-to-day affairs of the company.

3 Supreme Transport Pvt. Ltd. company is running in loss since 2012. The entire work of both these companies are being looked after from the office situated at Andheri (E). National Company Law Tribunal ( N.C.L.T. ) by an order dated 10.08.2021 had declared Sangeeta Aviation Service Pvt. Ltd. Company as an insolvent. Appeal against the Impugned Order of the N.C.L.T. is subjudice before the Appellate Court. In the year 2014, one of the co-accused namely Varun Ramesh Kakriya was appointed

as an Assistant. In the year 2016, other co-accused Kamlesh Bhairav Tatawat was appointed as Chief Finance Officer and his cousin brother Mukesh Bhairav Tatawat was appointed as Chief Operation Officer in the company of the informant. As the informant had to often go abroad and to various other places in India, therefore, to look after the financial affairs of both the companies, the entire responsibility was handed over to Kamlesh Bhairav Tatawat. The old friends of the informant i.e. Swapnil Chavan and Atul Pandey also used to visit the office of the company.

4 As a CEO of the company, in the month of July 2022, the informant came to know that some amount was to be recovered from Nippon Ltd. Company. Therefore, after issuing several e-mail correspondence, the informant was informed on 26.08.2022 by the officials of Nippon Company Ltd. that on 26.07.2022, they had deposited Rs. 3,22,616/- in the Bank of India account of the company. The informant also came to know that on 27.07.2022, Rs. 3,23,278/- came to be transferred from the said account in the bank account of Vimal Agarwal. After enquiry, the informant came to know that there had been misappropriation of huge amount in the company. The informant, therefore, enquired about the financial transactions of the company through the Chartered Accountant of the company. After getting an Enquiry Report, the informant came to know that the applicant along with other accused had misappropriated total amount of Rs. 6,27,36,180/- by transferring the respective amounts in their accounts through the accounts of the companies. Accordingly, report came to be lodged in the Sahar Police Station.

5           The learned Advocate for the applicant/accused submitted that the applicant/accused has been falsely implicated and the informant is on vengeance spree against the co-accused and his childhood friend who he thinks are in league with the co-accused. It is contended that the amount which he had received from Sangeeta Aviation Services Pvt. Ltd. Company are towards consultation charges for the period from 2017 to 2021. All the accounts during the above said period, when the alleged fraud had taken place, have been audited by the company and the same have been signed by the applicant/accused and are submitted to the Competent Authority. The amounts, as alleged by the informant, which have been withdrawn by the applicant/accused are reflected in the company accounts and the accounts submitted in NCLT by the informant and also the account are over a period of more than four years which are in absolute knowledge of the informant and now he cannot ignore the same. It is further contended that the applicant/accused had no access to the accounts of the company, bank accounts of the company and also to the drawing of cheques and practically if all the cheques are verified by which the amount has been transferred by the company are mostly signed by the informant or the authorized person of the company who under no circumstances could be influenced by the applicant/accused. The bank accounts of the applicant/accused are attached by the police. It is further contended that this case is based on records and documents which are available with the NCLT, company of the informant and ROC and the same can be examined without the presence of the informant. As far as the present applicant/accused is concerned, entire allegation is over. The

custodial interrogation of the applicant/accused is not at all required. The applicant/accused had no criminal antecedents. He thus prayed that the applicant/accused was ready to abide by the terms and conditions imposed by the court, so the bail application be allowed.

6           The prosecution vide its say ( Exh. 05 ) resisted the application mainly on the ground that from the verification of the bank account it has been revealed that amount of Rs. 44,55,000/- and Rs. 97,400/- had been transferred to the account of the applicant/accused from the account of Sangeeta Aviation Service Pvt. Ltd. and the informant respectively. The said amount was misappropriated by him. The said amount is yet to be recovered from the applicant/accused. It is further submitted that it has been revealed that the money was transferred to the bank account of the accused even though the accused was not holding any position or providing any kind of service in both the companies. No resolution of the Board of Directors of the company has been approved regarding the said transferred amount. The said amount was misappropriated by the applicant and the co-accused. It is further submitted that the applicant/accused has produced intimation letter to Axis Bank and TDS Certificate ( 2017 to 2021 ). There is doubt regarding the authenticity of the said documents and investigation regarding the same is yet to be done. A case has been registered against the applicant/accused under Section 380, 384, 292, 506(2) of the Indian Penal Code read with Section 66 ( C ) of the Information Technology Act in Sahar Police Station and the applicant is on bail in that case. It is thus, prayed that the application be rejected.

7            Heard the learned counsel for the applicant, the learned APP for the State and the intervener.

8            Perused the application, the say filed thereon and the documents relied upon in support thereof.

9            It is contended by the applicant/accused that he was the childhood friend of the informant. The informant considered him to be in league with the co-accused, and so as he was in a vengeance spree against the co-accused, he had falsely implicated the applicant as well. It is also contended by him that the amount received by him was towards consultation charges he had extended to Sangeeta Aviation Service Pvt. Ltd. for the period 2017 to 2021. On the other hand, it is the case of the prosecution that the applicant was not the employee of the company and was not concerned with the company in any way. Admittedly, no document to show his appointment as a consultant is produced by the applicant. It is also further alleged that the amount which was transferred to the account of the applicant was then withdrawn in cash and that he had filed false TDS certificates. Further, as per the say of the Investigating Officer an amount of Rs. 45,52,400/- had been transferred into the account of the applicant from the account of Sangeeta Aviation Service Pvt. Ltd. from 15.11.2019 to 27.12.2021. It has come forth in the investigation that amongst the bank accounts of the informant and the companies i.e. Supreme Transport Pvt. Ltd. and Sangeeta Aviation Service Pvt. Ltd., the access ( authorized signatory ) of HDFC bank accounts was with accused Vimal and Girish, while the access ( authorized signatory ) of the rest of

the bank accounts was with Kamlesh Tatawat, the CFO of the company. From this, the investigation had revealed that the accused Vimal and Girish had embezzled a large amount of money in a pre-planned conspiracy with accused Kamlesh.

10 Further, during investigation the applicant was asked to produce the documents to show that he was working with or for the company Sangeeta Aviation Service Pvt. Ltd., but he did not produce any appointment letter or any such work order from the said company. In return during police custody, the applicant had produced the documents i.e. i) Intimation letter to Axis Bank ii) TDS Certificate of the year 2017-2018, iii) TDS Certificate of the year 2018-19 iv) TDS Certificate of the year 2019-2020 and v) TDS Certificate of the year 2020-2021 before Sahar Police. On perusal of the said documents, in the Intimation Letter, there are details of the amount given to the applicant/accused from the year 2017 to 2021, but it appears that the said amount is from previous transactions. Similarly, the TDS Certificate of the said amount had also been submitted by the accused. This means that the said amount had been accepted by the accused during that period, whereas the misappropriated amount in the crime is of the year 2021 and the amount shown in the Intimation Letter or TDS Certificate does not match. It is further submitted that the Investigating Officer when they tried to collect the said amount from the applicant, he said that the said amount was again spent by the applicant/accused in the project work of the company. The question rightly put forth by the investigating agency why the applicant/accused is lying in investigation in the police custody as to why he would spend the money in

the project and give it back to the company.

11 It is seen that the offence is purely economic in nature. Serious allegations of misappropriation of Rs. 45,52,400/- is made against the applicant himself. The investigation is still in progress. From the documents filed on record prima-facie it is seen that the applicant was involved in the commission of the crime. There are prima-facie ingredients of fabrication of documents. This entire case is based on documentary evidence. The possibility of tampering with the evidence cannot be ruled out, if the applicant is released on bail. Hence, the following order is passed :

**ORDER**

Criminal Bail Application No. 570 of 2023 is hereby rejected and disposed of accordingly.

sd/-

(DR. (SMT.) SRISHTY NEELKANTH )  
Additional Sessions Judge,  
City Civil Court, Borivali Division,  
Dindoshi, Goregaon, Mumbai.

Date : 19/07/2023

Dictated on Computer : 19/07/2023  
Checked & Corrected on : 21/07/2023  
Sign on : 21/07/2023

CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED JUDGMENT/ORDER.”

24/07/2023 at 11.10 a.m.  
UPLOAD DATE AND TIME

Mrs. S.B. Vichare  
NAME OF STENOGRAPHER

Name of Judge (with Court room no.)	HHJ Dr. (Smt) Srishty Neelkanth City Civil & Sessions Court, Borivali Div., Dindoshi, Mumbai ( C.R.No. 04 )
Date of Pronouncement of JUDGEMENT/ORDER	19/07/2023
JUDGEMENT/ORDER signed by P.O. on	21/07/2023
JUDGEMENT/ORDER uploaded on	24/07/2023

BA 567/2023

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MHCC050034232023



**IN THE COURT OF SESSIONS AT DINDOSHI  
(BORIVALI DIVISION), GOREGAON, MUMBAI**

**CRIMINAL BAIL APPLICATION NO. 567 OF 2023**

**Mr. Girish Agarwal,**

Age : 40 yrs., Occupation :

R/o : Keval Kunj Apartment, Sec. 13,

Rohini, Near D. D. Club,

Delhi : 110 085

**..Applicant**

**Vs**

**The State of Maharashtra,**

( through Sahar Police Station )

**..Respondent**

Ld. Adv. A.M. Saraogi, for the applicant.

Ld. APP P.K. Mahajan, for the State.

Ld. Adv. Pokharkar, for the intervener.

**CORAM : H.H. THE ADDITIONAL SESSIONS JUDGE  
DR. (SMT.) SRISHTY NEELKANTH (C.R.NO.4)**

**DATE : 19<sup>th</sup> July, 2023**

**ORDER**

This is an application for releasing the applicant on bail, in respect of C. R. No. 155 of 2023 registered with Sahar Police Station, for the offences punishable under Sections 408, 409, 477-A, 420 read with

120(B) and 34 of the Indian Penal Code.

2 At the instance of the informant the aforesaid offence came to be registered.

The facts of the case as appears from the FIR are that :-

The informant is the Chairman and the Executive Director of Supreme Transport Pvt. Ltd. and Sangeeta Aviation Service Pvt. Ltd. Apart from the informant, his father, his younger brother, other co-accused namely Vimal Agarwal and Girish Agarwal ( the applicant herein ) are also the Directors in Supreme Transport Pvt. Ltd. The main business of the said company is road transport and air transport of goods. The company owns some vehicles and aircraft. Apart from this, vehicles are taken on rent basis as required for the business of the company. The main office of the said company is at Mumbai and its branches and divisional offices are at Panvel, Kalamboli, Rajasthan, Gujarat, Delhi and Bangalore. Vimal Agarwal and Girish Agarwal are the cousins of the informant and reside at Bangalore and Delhi respectively. Both of them stay in Mumbai for a few days every month and participate in the day-to-day affairs of the company.

3 Supreme Transport Pvt. Ltd. company is running in loss since 2012. The entire work of both these companies are being looked after from the office situated at Andheri (E). National Company Law Tribunal ( N.C.L.T. ) by an order dated 10.08.2021 had declared Sangeeta Aviation Service Pvt. Ltd. Company as an insolvent. Appeal against the Impugned Order of the N.C.L.T. is subjudice before the Appellate Court. In the year 2014, one of the co-accused namely Varun Ramesh Kakriya was appointed

as an Assistant. In the year 2016, other co-accused Kamlesh Bhairav Tatawat was appointed as Chief Finance Officer and his cousin brother Mukesh Bhairav Tatawat was appointed as Chief Operation Officer in the company of the informant. As the informant had to often go abroad and to various other places in India, therefore, to look after the financial affairs of both the companies, the entire responsibility was handed over to Kamlesh Bhairav Tatawat. The old friends of the informant i.e. Swapnil Chavan and Atul Pandey also used to visit the office of the company.

4 As a CEO of the company, in the month of July 2022, the informant came to know that some amount was to be recovered from Nippon Ltd. Company. Therefore, after issuing several e-mail correspondence, the informant was informed on 26.08.2022 by the officials of Nippon Company Ltd. that on 26.07.2022, they had deposited Rs. 3,22,616/- in the Bank of India account of the company. The informant also came to know that on 27.07.2022, Rs. 3,23,278/- came to be transferred from the said account in the bank account of Vimal Agarwal. After enquiry, the informant came to know that there had been misappropriation of huge amount in the company. The informant, therefore, enquired about the financial transactions of the company through the Chartered Accountant of the company. After getting an Enquiry Report, the informant came to know that the applicant along with other accused had misappropriated total amount of Rs. 6,27,36,180/- by transferring the respective amounts in their accounts through the accounts of the companies. Accordingly, report came to be lodged in the Sahar Police Station.

5           The learned Advocate for the applicant/accused submitted that the applicant/accused has been falsely implicated. By an order dated 10.08.2021, NCLT-III, Mumbai suspended all the Directors and employees of Sangeeta Aviation Service Pvt. Ltd. and the Tribunal had appointed Mr. Bijendra Zha as an Interim Resolution Professional ( IRP ) to carry out the remaining process. Therefore, the informant had no locus/authority to file the present FIR, as all the management and control is vested with IRP. It is further contended that the motive behind filing the present FIR against the present applicant and other accused who all are relatives and family members of the informant and having important positions in the company is to grab all the assets and properties of both the companies and to sell out the same and to run away to another country. It is further contended that the informant was not having any complaint against the present applicant and other accused till the informant was able to sell the properties of the company. After the above order by NCLT had been passed restraining the informant from selling the properties, the present FIR is filed to fulfill the grudges and oblique motives with intention to pressurize and harass them, so that he could sell the properties of the company. It is submitted that the dispute between the parties is pending for adjudication before the NCLT and the present FIR is an abuse of the process of law. Claiming himself to be innocent, the applicant/accused has contended that he is falsely implicated by the informant with oblique motive and to pressurize the applicant/accused. It is further contended that this case is based on documentary evidence where money is alleged to be transferred into the bank account of the applicant without the applicant being entitled

to the same. So, the custodial interrogation of the applicant/accused is not at all required for the same. Further, the applicant does not have any criminal antecedents. The learned advocate for the applicant thus prayed that the applicant/accused was ready to abide by the terms and conditions imposed by the court, so the bail application be allowed.

6           The learned APP opposed the application and submitted that the applicant/accused had contended that he is a director and was also working in the company and the amount received from the bank account of the company by him is as salary and consultancy charges. The amounts of Rs. 13,45,036, Rs. 13,93,250/- and Rs. 8,00,000/- had been transferred to the account of the applicant/accused from the account of Supreme Transport Pvt. Ltd. Company, Sangeeta Aviation Service Pvt. Ltd. and the informant respectively. The said amounts were misappropriated by him. The said amounts are yet to be recovered from the applicant/accused. When the applicant/accused was asked to produce the documents of being an employee of the said company, he did not file the same. The applicant/accused was asked to submit purchase orders received from the company and the bills in exchange for services rendered, but he was not able to produce the said documents. It is further argued that the amount embezzled in the crime is as large as Rs. 6,27,36,180 and it has been found that the accused has prepared a false account to embezzle the said amount and it is revealed that all the accused had formed a pre-planned conspiracy for that. The present applicant's wife is wanted accused in this crime. The wanted accused Rajesh Agarwal had opened a company in the name of Balaji Enterprise. However, the investigation had not revealed any business

of Balaji Enterprise. Therefore, it is concluded from the investigation that the said applicant and the remaining wanted accused had established some fake companies and thereby diverted the money of the informant and his company to the account of this fake company and embezzled it. It is submitted by the learned APP that since the investigation is going on, if the accused is granted bail, there is possibility that he will destroy the evidence of such a fake company and numerous transactions of misappropriation of amount, and the documents fabricated by him in the entire process. Further, there is possibility of absconding, if the accused is granted bail. He thus, prayed that the application be rejected. The informant also resisted the application by filing an intervener application.

7            Heard the learned counsel for the applicant, the learned APP for the State and the intervener.

8            Perused the application, the say filed thereon and the documents relied upon in support thereof.

9            It is seen that the applicant is the cousin brother of the informant and the Director of Supreme Transport Pvt. Ltd. The informant has in the FIR given the particulars of the applicant and all the co-accused regarding the amount which were transferred in their accounts from 2018 to 2022. It is seen from the say filed by the Investigating Officer, that an amount of Rs. 32,98,332/- was transferred in the account of the applicant during the period from 27.02.2019 to 04.09.2020 from the accounts of Sangeeta Aviation Service Pvt. Ltd., Supreme Transport Pvt. Ltd. and

Ameet Agarwal i.e. the informant. It is contended by the applicant that since he was a Director in the company so he was receiving the said amount by way of salary. However, the audit report filed by the Investigating Officer reveals the contrary. It shows that Rs. 62,43,029/- were siphoned off in the account of the applicant. No resolution has been filed that has been passed by the board of directors of both the companies regarding the transferred amount. The investigation prima-facie reveals that the accused had embezzled the said amount.

10 It is the case of the prosecution that the applicant is the close relative of the other co-accused Vimal Agarwal and others. The other family members are alleged to be involved in the crime of misappropriation of huge amounts from the company. The remaining accused who are the relatives of the applicant i.e. Smt. Nupur Agarwal, Samiksha Agarwal and Pinki Agarwal, in the conspiracy of the said crime, are not holding any position in the company of the informant, but it is found that they received money from various accounts of the company four to five times per month in the name of salary and rent. This shows the pre-planned conspiracy of the accused. It has also been found that the money was transferred to the bank accounts of the arrested accused Swapnil Chavan and wanted accused Sneha Chavan, Rajni Pandey and Atul Pandey, when they were not holding any position in the company or had rendered any kind of service to the company. Amongst the bank accounts of the informant and the companies i.e. Supreme Transport Pvt. Ltd. and Sangeeta Aviation Service Pvt. Ltd., the access ( authorized signatory ) of HDFC bank accounts was with accused Vimal and Girish, while the access ( authorized signatory ) of

the rest of the bank accounts was with Kamlesh Tatawat, the CFO of the company. From this, the investigation has revealed that the accused Vimal and Girish had embezzled a large amount of money in a pre-planned conspiracy with accused Kamlesh.

11 The offence is purely economic in nature. Serious allegations of misappropriation of Rs. 35,38,286/- is made against the applicant himself. The investigation is still in progress. From the documents filed on record prima-facie it is seen that the applicant was involved in the commission of the crime. There are prima-facie ingredients of fabrication of documents. This entire case is based on documentary evidence. The possibility of tampering with the evidence cannot be ruled out, if the applicant is released on bail. Hence, the following order is passed :

**ORDER**

Criminal Bail Application No. 567 of 2023 is hereby rejected and disposed of accordingly.

(DR. (SMT.) SRISHTY NEELKANTH )  
Additional Sessions Judge,  
City Civil Court, Borivali Division,  
Dindoshi, Goregaon, Mumbai.

Date : 19/07/2023

Dictated on Computer : 19/07/2023  
Checked & Corrected on : 21/07/2023  
Sign on : 21/07/2023

CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED JUDGMENT/ORDER.”

24/07/2023 at 11.08 a.m.  
UPLOAD DATE AND TIME

Mrs. S.B. Vichare  
NAME OF STENOGRAPHER

Name of Judge (with Court room no.)	HHJ Dr. (Smt) Srishty Neelkanth City Civil & Sessions Court, Borivali Div., Dindoshi, Mumbai ( C.R.No. 04 )
Date of Pronouncement of JUDGEMENT/ORDER	19/07/2023
JUDGEMENT/ORDER signed by P.O. on	21/07/2023
JUDGEMENT/ORDER uploaded on	24/07/2023

MHCC050033652023



**IN THE COURT OF SESSIONS AT DINDOSHI  
(BORIVALI DIVISION), GOREGAON, MUMBAI**

**ANTICIPATORY BAIL APPLICATION NO. 1039 OF 2023**

**IN**

**( C. R. No. 155 of 2023 of Sahar Police Station, Mumbai )**

**Mrs. Samixa Girish Agrawal,**

Age : 39 yrs., Indian Adult,

Occupation : service,

R/o : Presently R/at A/40, 1st Floor,

Kewal Kunj Apartment, Sector 13,

Rohini Sector 7, North (W).

Delhi 110085

**..Applicant**

**V/s**

**The State of Maharashtra**

(through Sahar Police Station, Mumbai)

**..Respondent**

Ld. Adv. Rakesh Singh, for the applicant.

Ld. APP P. K. Mahajan, for the State.

Ld. Adv. P. Ranjan, for the intervenor.

**CORAM : H.H. THE ADDITIONAL SESSIONS JUDGE  
DR. (SMT.) SRISHTY NEELKANTH (C.R.NO.4)**

**DATE : 20<sup>th</sup> July, 2023**

**ORDER**

This is an application for the grant of anticipatory bail under Section 438 of the Code of Criminal Procedure, in connection with C.R. No. 155 of 2023 registered with Sahar Police Station, for the

offences punishable under sections 408, 409, 477-A, 420 read with 120(B) and 34 of the Indian Penal Code.

2 On 25.04.2023, at the instance of one Ameet Kamal Agarwal, aforesaid offence came to be registered.

The facts of the case as appears from the FIR are that :-

The informant is the Chairman and the Executive Director of Supreme Transport Pvt. Ltd. and Sangeeta Aviation Service Pvt. Ltd. Apart from the informant, his father, his younger brother, other co-accused namely Vimal Agarwal and Girish Agarwal are also the Directors in Supreme Transport Pvt. Ltd. The main business of the said company is road transport and air transport of goods. The company owns some vehicles and aircraft. Apart from this, vehicles are taken on rent basis as required for the business of the company. The main office of the said company is at Mumbai and its branches and divisional offices are at Panvel, Kalamboli, Rajasthan, Gujarat, Delhi and Bangalore. Vimal Agarwal and Girish Agarwal are the cousins of the informant and reside at Bangalore and Delhi respectively. Both of them stay in Mumbai for a few days every month and participate in the day-to-day affairs of the company.

3 Supreme Transport Pvt. Ltd. company is running in loss since 2012. The entire work of both these companies is being looked after from the office situated at Andheri (E). The National Company Law Tribunal ( N.C.L.T. ) by an order dated 10.08.2021 had declared Sangeeta Aviation Service Pvt. Ltd. Company as an insolvent. Appeal against the Impugned Order of the N.C.L.T. is subjudice before the Appellate Court. In the year 2014, one of the co-accused namely Varun Ramesh Kakriya was appointed as an Assistant. In the year 2016, the

other co-accused Kamlesh Bhairav Tatawat was appointed as Chief Finance Officer and his cousin brother Mukesh Bhairav Tatawat was appointed as Chief Operation Officer in the company of the informant. As the informant had to often go abroad and to various other places in India, therefore, to look after the financial affairs of both the companies, the entire responsibility was handed over to Kamlesh Bhairav Tatawat. The old friends of the informant i.e. Swapnil Chavan and Atul Pandey also used to visit the office of the company.

4           As a CEO of the company, in the month of July 2022, the informant came to know that some amount was to be recovered from Nippon Ltd. Company. Therefore, after issuing several e-mail correspondence, the informant was informed on 26.08.2022 by the officials of Nippon Company Ltd. that on 26.07.2022, they had deposited Rs. 3,22,616/- in the Bank of India account of the company. The informant also came to know that on 27.07.2022, Rs. 3,23,278/- came to be transferred from the said account in the bank account of Vimal Agarwal. After enquiry, the informant came to know that there had been misappropriation of huge amount in the company. The informant, therefore, enquired about the financial transactions of the company through the Chartered Accountant of the company. After getting an Enquiry Report, the informant came to know that the applicant along with other accused had misappropriated total amount of Rs. 6,27,36,180/- by transferring the respective amounts in their accounts through the accounts of the companies. Accordingly, report came to be lodged in the Sahar Police Station.

5 By this application the applicant has contended that the informant is part of family of the applicant and is her cousin brother-in-law. The applicant is wife of Mr. Girish Agarwal, who is one of the original directors and shareholders of M/s Supreme Transport Organization Pvt. Ltd. Her brother-in-law Vimal Agarwal, her husband and the informant are the directors of the M/s Supreme Transport Organization Pvt. Ltd. The informant is not the shareholder of M/s Supreme Transport Organization Pvt. Ltd. The applicant was initially paid salary and later on was paid consultancy fees by M/s Supreme Transport Organization Pvt. Ltd. It is further contended that the applicant is falsely implicated in the present crime. Accordingly, by an order dtd. 10.08.2021, NCLT-III, Mumbai suspended all the Directors and employees of the said company and the Hon'ble Tribunal had appointed Mr. Bijendra Zha as a IRP to carry out the remaining process. Therefore, the informant was having no locus/authority to file the present FIR, as all the management and control is vested with IRP. As far as M/s Supreme Transport Organization Pvt. Ltd. is concerned, no Board Meeting has been called for lodging the complaint and it is handiwork of the informant merely to divert the attention from his illegalities and civil proceedings going on before NCLT. It is further contended that the motive behind filing the present FIR against the present applicant and other accused who all are relatives and family members of the informant and having important positions in the company is to grab all the assets and properties of both the companies and to sell out the same and to run away to some other country.

6 It is further contended that the informant was not having any complaint against the present applicant and other accused till the

informant was able to sell the properties of M/s Supreme Transport Organization Pvt. Ltd. till the said order by NCLT had been passed restraining the informant selling properties of M/s Supreme Transport Organization Pvt. Ltd. The present FIR is filed after the said order to fulfill the grudges and oblique motives with intention to pressurize and harass them, so he could sell the properties of M/s Supreme Transport Organization Pvt. Ltd. The dispute between the parties is pending for adjudication before NCLT and the present FIR is an abuse of the process of law. Claiming herself to be innocent, the applicant has contended that she is falsely implicated by the informant with oblique motive and to pressurize the applicant. The applicant is ready to co-operate the Investigating Agency and to abide the terms and conditions imposed by the Court. The applicant, therefore, prayed for her release on anticipatory bail.

7           The prosecution vide say Exh. 05 resisted the application mainly on the ground that from the verification of the bank account it has been revealed that an amount of Rs. 27,75,470/- was transferred from the bank account of the company to her bank account and she had misappropriated the same. No relevant information has been given in the application regarding the purpose for which the said amount was used by the applicant. The applicant is hiding the truth about where she disposed off the money embezzled by her and thus, it shows her aim to obstruct the investigation. If the applicant is granted anticipatory bail, she may abscond and there is possibility of tampering with the evidence. The custodial interrogation of applicant is required as the investigation of the said crime is at preliminary stage. The applicant and other accused have embezzled more than 6 crores by diverting the money of

M/s Supreme Transport Organization Pvt. Ltd. and M/s Sangeeta Aviation Services Pvt. Ltd. to their own bank accounts during the period from 2018 to 2022 in a pre-planned conspiracy. From the verification of the applicant's bank account, it has been revealed that she has immediately withdrawn all the embezzled amount and invested it in Shares, Fixed Deposit or elsewhere. The custodial interrogation of the applicant is required to seize the said amount. There is possibility that the applicant with the help of other accused may have purchased immovable or movable property with the embezzled amount or invested in other places and the investigation in respect of that is going on. The investigation revealed that the family members of the applicant were also involved in disposing of the embezzled amount and accordingly they are to be investigated. It will not be possible to seize the property of embezzlement in the said crime if pre-arrest bail is granted. The report of the Chartered Accountant Mundada of the company has been filed wherein it is contended that the records of the above amount transferred to the bank account of the accused have not been found in the account book of the company. The informant also resisted the application by filing intervener application.

8           The learned APP placed reliance upon -

**1) P. Chidambaram Vs Directorate of Enforcement AIR Online 2019 SC 1001 and 2) Jai Prakash Singh Vs State of Bihar and anr. AIR 2012 SUPREME COURT 1676** wherein the Hon'ble Supreme Court observed that “ *power under Section 438 Cr.P.C. is an extraordinary power and the same has to be exercised sparingly. The privilege of the pre-arrest bail should be granted only in exceptional cases. The judicial discretion conferred upon the court has to be properly exercised after*

*application of mind as to the nature and gravity of the accusation; possibility of applicant fleeing justice and other factors to decide whether it is a fit case for grant of anticipatory bail. ”*

He further relied upon 3) **Nilesh Vishwas Shelke Vs State of Maharashtra AIROnline 2019 Bom 2850**, 4) **Sukesh Gupta Vs State of Maharashtra AIROnline 2021 Bom 3141** and 5) **Nilesh Sahebrao Pawar Vs State of Maharashtra AIROnline 2020 Bom 3162** wherein when after considering the FIR and the documents and the investigation conducted by the Investigating Officer, prima facie disclosed the complicity of the applicants in the crime, the Hon'ble Bombay High Court held that custodial interrogation of the applicant is necessary and rejected the anticipatory bail application of the applicant.

The learned APP thus prayed that the present application be rejected.

9 I have considered the submissions of learned advocate for the applicant, learned advocate for the intervener, learned APP and Investigating Officer. I have also gone through the material placed on record by the parties and also perused the case diary.

10 It is seen that in a major part of the application of the applicant, there are allegations of unauthorized and arbitrary decisions taken by the informant with respect of the companies and also the details regarding the numerous cases filed against the informant. However, no sufficient explanation has been brought forth by the applicant regarding the alleged amount that had been transferred in her account. The offence is purely economic in nature. Merely that the informant is having criminal antecedents, and his company has been

declared insolvent itself is not sufficient, at this juncture, to hold that the informant has falsely implicated just to pressurize her. On the contrary, on the basis of aforesaid facts and circumstances, the applicant is found to be prima-facie involved in committing the said offence. Investigation in this crime is at a primary stage. Having regard to the total misappropriated amount which is of Rs. 27,75,470/- by the applicant/accused, in my view, custodial interrogation of the applicant will certainly be required to elicit material information and to recover aforesaid amount. The investigating officer has also filed the audit report of Supreme Transport Organization Private Limited and Sangeeta Aviation Services Private Limited for the period of 2018 till date conducted by Loya and Mundada Chartered Accountants. The said report shows the unauthorized transfer of Rs. 39,51,756/- in the account of the applicant. Though the applicant has stated that she is a woman with a family and minor children and so deserves protection of liberty but as is the law that there can be no lenient approach based on the gender when sufficient prima-facie case has been made out against the accused. Thus, considering the facts and circumstances of the case and placing reliance on the observations of the Superior Courts in the case of 1) **P. Chidambaram (Supra)**, **Jai Prakash Singh (Supra)**, 3) **Nilesh Vishwas Shelke (Supra)**, 4) **Sukesh Gupta (Supra)**, and 5) **Nilesh Sahebrao Pawar (Supra)** with respect to consideration of the factors while deciding an Anticipatory Bail Application, following order is passed :-

**ORDER**

- 1) Anticipatory Bail Application No. 1039 of 2023 is hereby rejected and disposed of accordingly.
- 2) The concerned Police Station be informed accordingly.

sd/-

(DR. (SMT.) SRISHTY NEELKANTH )  
 Additional Sessions Judge,  
 City Civil Court, Borivali Division,  
 Dindoshi, Goregaon, Mumbai.

Date : 20/07/2023

Dictated on Computer : 20/07/2023  
 Checked & Corrected on : 21/07/2023  
 Sign on : 21/07/2023

CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED JUDGMENT/ORDER.”

24/07/2023 at 11.33 a.m.  
 UPLOAD DATE AND TIME

Mrs. S.B. Vichare  
 NAME OF STENOGRAPHER

Name of Judge (with Court room no.)	HHJ Dr. (Smt) Srishty Neelkanth City Civil & Sessions Court, Borivali Div., Dindoshi, Mumbai ( C.R.No. 04 )
Date of Pronouncement of JUDGEMENT/ORDER	20/07/2023
JUDGEMENT/ORDER signed by P.O. on	21/07/2023
JUDGEMENT/ORDER uploaded on	24/07/2023

MHCC050033642023



**IN THE COURT OF SESSIONS AT DINDOSHI  
(BORIVALI DIVISION), GOREGAON, MUMBAI**  
**ANTICIPATORY BAIL APPLICATION NO. 1038 OF 2023**  
**IN**  
**( C. R. No. 155 of 2023 of Sahar Police Station, Mumbai )**

**Mrs. Pinki Agrawal,**

Age : 47 yrs., Indian Adult,

Occupation : service,

R/o : Plot No. 4, Serve No. 309/312,

Dabriwala Bhavan State Bank, Malegaon,

Nashik : 423 203

**..Applicant**

V/s

**The State of Maharashtra**

(through Sahar Police Station, Mumbai)

**..Respondent**

Ld. Adv. Rakesh Singh, for the applicant.

Ld. APP P. K. Mahajan, for the State.

Ld. Adv. Ranjan h/f Ajinkya Pokharkar, for the intervenor.

**CORAM : H.H. THE ADDITIONAL SESSIONS JUDGE  
DR. (SMT.) SRISHTY NEELKANTH (C.R.NO.4)**

**DATE : 20<sup>th</sup> July, 2023**

**ORDER**

This is an application for the grant of anticipatory bail under Section 438 of the Code of Criminal Procedure, in connection with C.R. No. 155 of 2023 registered with Sahar Police Station, for the

offences punishable under Sections 408, 409, 477-A, 420 read with 120(B) and 34 of the Indian Penal Code.

2 On 25.04.2023, at the instance of one Ameet Kamal Agarwal, aforesaid offence came to be registered.

The facts of the case as appears from the FIR are that :-

The informant is the Chairman and the Executive Director of Supreme Transport Pvt. Ltd. and Sangeeta Aviation Service Pvt. Ltd. Apart from the informant, his father, his younger brother, other co-accused namely Vimal Agarwal and Girish Agarwal are also the Directors in Supreme Transport Pvt. Ltd. The main business of the said company is road transport and air transport of goods. The company owns some vehicles and aircraft. Apart from this, vehicles are taken on rent basis as required for the business of the company. The main office of the said company is at Mumbai and its branches and divisional offices are at Panvel, Kalamboli, Rajasthan, Gujarat, Delhi and Bangalore. Vimal Agarwal and Girish Agarwal are the cousins of the informant and reside at Bangalore and Delhi respectively. Both of them stay in Mumbai for a few days every month and participate in the day-to-day affairs of the company.

3 Supreme Transport Pvt. Ltd. company is running in loss since 2012. The entire work of both these companies is being looked after from the office situated at Andheri (E). The National Company Law Tribunal ( N.C.L.T. ) by an order dated 10.08.2021 had declared Sangeeta Aviation Service Pvt. Ltd. Company as an insolvent. Appeal against the Impugned Order of the N.C.L.T. is subjudice before the Appellate Court. In the year 2014, one of the co-accused namely Varun Ramesh Kakriya was appointed as an Assistant. In the year 2016, the

other co-accused Kamlesh Bhairav Tatawat was appointed as Chief Finance Officer and his cousin brother Mukesh Bhairav Tatawat was appointed as Chief Operation Officer in the company of the informant. As the informant had to often go abroad and to various other places in India, therefore, to look after the financial affairs of both the companies, the entire responsibility was handed over to Kamlesh Bhairav Tatawat. The old friends of the informant i.e. Swapnil Chavan and Atul Pandey also used to visit the office of the company.

4 As a CEO of the company, in the month of July 2022, the informant came to know that some amount was to be recovered from Nippon Ltd. Company. Therefore, after issuing several e-mail correspondence, the informant was informed on 26.08.2022 by the officials of Nippon Company Ltd. that on 26.07.2022, they had deposited Rs. 3,22,616/- in the Bank of India account of the company. The informant also came to know that on 27.07.2022, Rs. 3,23,278/- came to be transferred from the said account in the bank account of Vimal Agarwal. After enquiry, the informant came to know that there had been misappropriation of huge amount in the company. The informant, therefore, enquired about the financial transactions of the company through the Chartered Accountant of the company. After getting an Enquiry Report, the informant came to know that the applicant along with other accused had misappropriated total amount of Rs. 6,27,36,180/- by transferring the respective amounts in their accounts through the accounts of the companies. Accordingly, report came to be lodged in the Sahar Police Station.

5 By this application the applicant has contended that her brothers i.e. Vimal Agarwal and Girish Agarwal had approached NCLT, Mumbai for various reliefs including audit of last eight years of the account of the company of the informant including of M/s Supreme Transport Organization Pvt. Ltd. The informant was opposing forensic audit on one hand and filing false FIR on the other hand. Accordingly, by an order dtd. 10.08.2021, NCLT-III, Mumbai suspended all the Directors and employees of the said company and the Hon'ble Tribunal had appointed Mr. Bijendra Zha as a Interim Resolution Professional (IRP) to carry out the remaining process. Therefore, the informant was having no locus/authority to file the present FIR, as all the management and control is vested with IRP. As far as M/s Supreme Transport Organization Pvt. Ltd. is concerned, no Board Meeting has been called for lodging the complaint and it is handiwork of the informant merely to divert the attention from his illegalities and civil proceedings going on before NCLT. It is further contended that the motive behind filing the present FIR against the present applicant and other accused who all are relatives and family members of the informant and having important positions in the company is to grab all the assets and properties of both the companies and to sell out the same and to run away to some other country.

6 It is further contended that the informant was not having any complaint against the present applicant and other accused till the informant was able to sell the properties of M/s Supreme Transport Organization Pvt. Ltd. till the above order by NCLT had been passed restraining the informant selling properties of M/s Supreme Transport Organization Pvt. Ltd. The present FIR is filed after the said order to

fulfill the grudges and oblique motives with intention to pressurize and harass them, so he could sell the properties of M/s Supreme Transport Organization Pvt. Ltd. The dispute between the parties is pending for adjudication before NCLT and the present FIR is an abuse of the process of law. Claiming herself to be innocent, the applicant has contended that she is falsely implicated by the informant with oblique motive and to pressurize the applicant. The applicant is ready to co-operate the Investigating Agency and to abide the terms and conditions imposed by the Court. The applicant, therefore, prayed for her release on anticipatory bail.

7           The prosecution vide say Exh. 05 resisted the application mainly on the ground that from the verification of the bank account it has been revealed that an amount of Rs. 27,98,731/- was transferred from the bank account of the company to her bank account and she had misappropriated the same. The said amount is yet to be recovered from the applicant. No relevant information has been given in the application regarding the purpose for which the said misappropriated amount was used by the applicant. The applicant has committed this crime in collusion with other co-accused. No satisfactory explanation is put forth as to how such huge amount has been transferred in the account of the applicant. The amount deposited in the account of the applicant has been withdrawn immediately. In order to elicit material information and to recover the misappropriated amount, her custodial interrogation will be required. There is possibility of tampering the evidence by the applicant, if she is granted anticipatory bail. The informant also resisted the application by filing intervener application.

8 The learned APP placed reliance upon -

1) **P. Chidambaram Vs Directorate of Enforcement AIROnline 2019 SC 1001** and 2) **Jai Prakash Singh Vs State of Bihar and anr. AIR 2012 SUPREME COURT 1676** wherein the Hon'ble Supreme Court observed that “ *power under Section 438 Cr.P.C. is an extraordinary power and the same has to be exercised sparingly. The privilege of the pre-arrest bail should be granted only in exceptional cases. The judicial discretion conferred upon the court has to be properly exercised after application of mind as to the nature and gravity of the accusation; possibility of applicant fleeing justice and other factors to decide whether it is a fit case for grant of anticipatory bail.* ”

He further relied upon 3) **Nilesh Vishwas Shelke Vs State of Maharashtra AIROnline 2019 Bom 2850**, 4) **Sukesh Gupta Vs State of Maharashtra AIROnline 2021 Bom 3141** and 5) **Nilesh Sahebrao Pawar Vs State of Maharashtra AIROnline 2020 Bom 3162** wherein when after considering the FIR and the documents and the investigation conducted by the Investigating Officer, prima facie disclosed the complicity of the applicants in the crime, the Hon'ble Bombay High Court held that custodial interrogation of the applicant is necessary and rejected the anticipatory bail application of the applicant.

The learned APP thus prayed that the present application be rejected.

9 After going through the FIR, it is seen that Pinki Agrawal is the cousin of the informant and the real sister of main accused i.e. Vimal and Girish Agarwal. In para. Nos. j), k), l) and o) of her application, she has admitted receiving the money rather it is her case that she was supposed to receive more. She has relied upon the copy of

TDS Certificate/details as well as relevant pages of audited balance sheet of Supreme Transport Pvt. Ltd. ( Exh.w of her application ), TDS Certificate/details as well as relevant pages of audited balance sheet Sangeeta Aviation Services Pvt. Ltd. ( Exh.x of her application ) and copy of ledger and bank statement ( Exh.y of her application ). By placing reliance on the said documents, it has been tried to explain by the applicant that the applicant was receiving the said amount by way of salary and later as consultancy fees. However, not a single document is produced on record to show as to on which post the applicant has been appointed in the said company nor any salary slip or any other document is filed on record.

10 On the other hand, learned APP has submitted that the applicant was not at all related to the company of the informant. There is misappropriation of total amount of more than Rs. 5 Crores and huge amount has been transferred in the account of the applicant. Therefore, to elicit material information and to recover the amount, custodial interrogation of the applicant will be required.

11 It is seen that in a major part of the application of the applicant, there are allegations of unauthorized and arbitrary decision taken by the informant with respect of the companies and also the details regarding the numerous cases filed against the informant. However, no sufficient explanation has been brought forth by the applicant regarding the alleged amount that had been transferred in her account. The offence is purely economic in nature. Merely that the informant is having earlier criminal antecedents, and his company has been declared insolvent itself is not sufficient, at this juncture, to hold

that the applicant has been falsely implicated just to pressurize her. On the contrary, on the basis of aforesaid facts and circumstances, the applicant is found to be prima-facie involved in committing the said offence. Investigation in this crime is at a primary stage. Having regard to the total misappropriated amount which is of Rs. 27,98,731/- by the accused, in my view, custodial interrogation of the applicant will certainly be required to elicit material information and to recover aforesaid amount. Though the applicant has stated that she is a woman with a family and minor children and so deserves protection of a liberty but as is the law that there can be no lenient approach based on the gender when sufficient prima-facie case has been made out against the accused. Thus, considering the facts and circumstances of the case and placing reliance on the observations of the Superior Courts in the case of 1) **P. Chidambaram (Supra)**, **Jai Prakash Singh (Supra)**, 3) **Nilesh Vishwas Shelke (Supra)**, 4) **Sukesh Gupta (Supra)**, and 5) **Nilesh Sahebrao Pawar (Supra)** with respect to consideration of the factors while deciding an Anticipatory Bail Application, following order is passed :-

**ORDER**

- 1) Anticipatory Bail Application No. 1038 of 2023 is hereby rejected and disposed of accordingly.
- 2) The concerned Police Station be informed accordingly.

sd/-

(DR. (SMT.) SRISHTY NEELKANTH )  
Additional Sessions Judge,  
City Civil Court, Borivali Division,  
Dindoshi, Goregaon, Mumbai.

Date : 20/07/2023

Dictated on Computer

Checked & Corrected on

Sign on

: 20/07/2023

: 21/07/2023

: 21/07/2023

CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED JUDGMENT/ORDER.”	
24/07/2023 at 11.31 a.m. UPLOAD DATE AND TIME	Mrs. S.B. Vichare NAME OF STENOGRAPHER
Name of Judge (with Court room no.)	HHJ Dr. (Smt) Srishty Neelkanth City Civil & Sessions Court, Borivali Div., Dindoshi, Mumbai ( C.R.No. 04 )
Date of Pronouncement of JUDGEMENT/ORDER	20/07/2023
JUDGEMENT/ORDER signed by P.O. on	21/07/2023
JUDGEMENT/ORDER uploaded on	24/07/2023

MHCC050033632023



**IN THE COURT OF SESSIONS AT DINDOSHI  
(BORIVALI DIVISION), GOREGAON, MUMBAI**  
**ANTICIPATORY BAIL APPLICATION NO. 1037 OF 2023**  
**IN**  
**( C. R. No. 155 of 2023 of Sahar Police Station, Mumbai )**

**Mrs. Nupur Vimal Agarwal,**

Age : 42 yrs., Indian Adult,

Occupation : Service,

R/o : Presently R/at B/306, Sai Krupa Elite,

Doddenkundi Fern City Road,

Behind IDBA BANK, Opp. Total Mall,

Doddanekkundi Bangalor North,

Bangalore, Karnataka : 560037

**..Applicant**

V/s

**The State of Maharashtra**

(through Sahar Police Station, Mumbai)

**..Respondent**

Ld. Adv. Rakesh Singh, for the applicant.

Ld. APP P. K. Mahajan, for the State.

Ld. Adv. P. Ranjan, for the intervenor.

**CORAM : H.H. THE ADDITIONAL SESSIONS JUDGE  
DR. (SMT.) SRISHTY NEELKANTH (C.R.NO.4)**

**DATE : 20<sup>th</sup> July, 2023**

**ORAL ORDER**

This is an application for the grant of anticipatory bail under Section 438 of the Code of Criminal Procedure, in connection

with C.R. No. 155 of 2023 registered with Sahar Police Station, for the offences punishable under Sections 408, 409, 477-A, 420 read with 120(B) and 34 of the Indian Penal Code.

2 On 25.04.2023, at the instance of one Ameet Kamal Agarwal, aforesaid offence came to be registered.

The facts of the case as appears from the FIR are that :-

The informant is the Chairman and the Executive Director of Supreme Transport Pvt. Ltd. and Sangeeta Aviation Service Pvt. Ltd. Apart from the informant, his father, his younger brother, other co-accused namely Vimal Agarwal and Girish Agarwal are also the Directors in Supreme Transport Pvt. Ltd. The main business of the said company is road transport and air transport of goods. The company owns some vehicles and aircraft. Apart from this, vehicles are taken on rent basis as required for the business of the company. The main office of the said company is at Mumbai and its branches and divisional offices are at Panvel, Kalamboli, Rajasthan, Gujarat, Delhi and Bangalore. Vimal Agarwal and Girish Agarwal are the cousins of the informant and reside at Bangalore and Delhi respectively. Both of them stay in Mumbai for a few days every month and participate in the day-to-day affairs of the company.

3 Supreme Transport Pvt. Ltd. company is running in loss since 2012. The entire work of both these companies is being looked after from the office situated at Andheri (E). The National Company Law Tribunal ( N.C.L.T. ) by an order dated 10.08.2021 had declared Sangeeta Aviation Service Pvt. Ltd. Company as an insolvent. Appeal against the Impugned Order of the N.C.L.T. is subjudice before the Appellate Court. In the year 2014, one of the co-accused namely Varun

Ramesh Kakriya was appointed as an Assistant. In the year 2016, the other co-accused Kamlesh Bhairav Tatawat was appointed as Chief Finance Officer and his cousin brother Mukesh Bhairav Tatawat was appointed as Chief Operation Officer in the company of the informant. As the informant had to often go abroad and to various other places in India, therefore, to look after the financial affairs of both the companies, the entire responsibility was handed over to Kamlesh Bhairav Tatawat. The old friends of the informant i.e. Swapnil Chavan and Atul Pandey also used to visit the office of the company.

4 As a CEO of the company, in the month of July 2022, the informant came to know that some amount was to be recovered from Nippon Ltd. Company. Therefore, after issuing several e-mail correspondence, the informant was informed on 26.08.2022 by the officials of Nippon Company Ltd. that on 26.07.2022, they had deposited Rs. 3,22,616/- in the Bank of India account of the company. The informant also came to know that on 27.07.2022, Rs. 3,23,278/- came to be transferred from the said account in the bank account of Vimal Agarwal. After enquiry, the informant came to know that there had been misappropriation of huge amount in the company. The informant, therefore, enquired about the financial transactions of the company through the Chartered Accountant of the company. After getting an Enquiry Report, the informant came to know that the applicant along with other accused had misappropriated total amount of Rs. 6,27,36,180/- by transferring the respective amounts in their accounts through the accounts of the companies. Accordingly, report came to be lodged in the Sahar Police Station.

5 By this application the applicant has contended that the informant is part of family of the applicant and is her cousin brother-in-law. The applicant is wife of Mr. Vimal Agarwal, who is one of the original directors and shareholders of M/s Supreme Transport Organization Pvt. Ltd. Her brother-in-law Vimal Agarwal, her husband and the informant are the directors of the M/s Supreme Transport Organization Pvt. Ltd. The informant is not the shareholder of M/s Supreme Transport Organization Pvt. Ltd. The applicant was initially paid salary and House Rent Allowances and later on was paid consultancy fees by M/s Supreme Transport Organization Pvt. Ltd. It is further contended that the applicant is falsely implicated in the present crime.

6 It is further contended that by an order dtd. 10.08.2021, NCLT-III, Mumbai suspended all the Directors and employees of the Sangeeta Aviation Services Pvt. Ltd. company and the Hon'ble Tribunal had appointed Mr. Bijendra Zha as a IRP to carry out the remaining process. Therefore, the informant was having no locus/authority to file the present FIR, as all the management and control is vested with IRP. As far as M/s Supreme Transport Organization Pvt. Ltd. is concerned, no Board Meeting has been called for lodging the complaint and it is handiwork of the informant merely to divert the attention from his illegalities and civil proceedings going on before NCLT. It is further contended that the motive behind filing the present FIR against the present applicant and other accused who all are relatives and family members of the informant and having important positions in the company is to grab all the assets and properties of both the companies and to sell out the same and to run away to some other country.

7           It is further contended that the informant was not having any complaint against the present applicant and other accused till the informant was able to sell the properties of M/s Supreme Transport Organization Pvt. Ltd. till the above order by NCLT had been passed restraining the informant selling properties of M/s Supreme Transport Organization Pvt. Ltd. The present FIR is filed after the said order to fulfill the grudges and oblique motives with intention to pressurize and harass them, so he could sell the properties of M/s Supreme Transport Organization Pvt. Ltd. The dispute between the parties is pending for adjudication before NCLT and the present FIR is an abuse of the process of law. Claiming herself to be innocent, the applicant has contended that she is falsely implicated by the informant with oblique motive and to pressurize the applicant. The applicant is ready to co-operate the Investigating Agency and to abide the terms and conditions imposed by the Court. The applicant, therefore, prayed for her release on anticipatory bail.

8           The prosecution vide say Exh. 05 resisted the application mainly on the ground that from the verification of the bank account it was revealed that an amount of Rs. 35,09,056/- was transferred from the bank account of the company to the applicant's bank account and she had misappropriated the same. No relevant information has been given in the application regarding the purpose for which the said amount was used by the applicant. The applicant is hiding the truth about where she disposed of the money embezzled by her and thus, it shows her aim to obstruct the investigation. If the applicant is granted anticipatory bail, she may abscond and there is possibility of tampering with the evidence. It is further submitted that the custodial

interrogation of the applicant is required as the investigation of the said crime is at a preliminary stage. The applicant and other accused have embezzled more than 6 crores by diverting the money of M/s Supreme Transport Organization Pvt. Ltd. and M/s Sangeeta Aviation Services Pvt. Ltd. to their own bank account during the period from 2018 to 2022 in a pre-planned conspiracy. From the verification of the applicant's bank account, it is revealed that she has immediately withdrawn all the embezzled amount and invested it in Shares, Fixed Deposit or elsewhere. The custodial interrogation of the applicant is required to seize the said amount. There is possibility that the applicant with the help of other accused may have purchased immovable or movable property with the embezzled amount or invested in other places and the investigation in respect of that is going on. The investigation revealed that the family member of the applicant was also involved in disposing of the embezzled amount and accordingly she is to be investigated. It will not be possible to seize the property of embezzlement in the said crime if pre-arrest bail is granted. It is further submitted that the Chartered Accountant of the company Loya and Mundada in their report had contended that the records of the above amount transferred to the bank account of the accused have not been found in the account book of the company. The informant also resisted the application by filing intervener application.

9           The learned APP placed reliance upon -

1) **P. Chidambaram Vs Directorate of Enforcement AIR Online 2019 SC 1001** and 2) **Jai Prakash Singh Vs State of Bihar and anr. AIR 2012 SUPREME COURT 1676** wherein the Hon'ble Supreme Court observed that “ *power under Section 438 Cr.P.C. is an extraordinary*

*power and the same has to be exercised sparingly. The privilege of the pre-arrest bail should be granted only in exceptional cases. The judicial discretion conferred upon the court has to be properly exercised after application of mind as to the nature and gravity of the accusation; possibility of applicant fleeing justice and other factors to decide whether it is a fit case for grant of anticipatory bail. ”*

He further relied upon 3) **Nilesh Vishwas Shelke Vs State of Maharashtra AIROnline 2019 Bom 2850**, 4) **Sukesh Gupta Vs State of Maharashtra AIROnline 2021 Bom 3141** and 5) **Nilesh Sahebrao Pawar Vs State of Maharashtra AIROnline 2020 Bom 3162** wherein when after considering the FIR and the documents and the investigation conducted by the Investigating Officer, prima facie disclosed the complicity of the applicants in the crime, the Hon'ble Bombay High Court held that custodial interrogation of the applicant is necessary and rejected the anticipatory bail application of the applicant.

The learned APP thus prayed that the present application be rejected.

10 I have considered the submissions of learned advocate for the applicant, learned advocate for the intervener, learned APP and Investigating Officer. I have also gone through the material placed on record by the parties and also perused the case diary.

11 It is seen that in a major part of the application of the applicant, there are allegations of unauthorized and arbitrary decisions taken by the informant with respect of the companies and also the details regarding the numerous cases filed against the informant. However, no sufficient explanation has been brought forth by the

applicant regarding the alleged amount that had been transferred in her account. The offence is purely economic in nature. Merely that the informant is having earlier criminal antecedents, and his company has been declared insolvent itself is not sufficient, at this juncture, to hold that the applicant has falsely implicated just to pressurize her. On the contrary, on the basis of aforesaid facts and circumstances, the applicant is found to be prima-facie involved in committing the said offence. Investigation in this crime is at a primary stage. Having regard to the total misappropriated amount which is of Rs. 35,09,056/- by the applicant/accused, in my view, custodial interrogation of the applicant will certainly be required to elicit material information and to recover aforesaid amount. The investigating officer has also filed the audit report of Supreme Transport Organization Private Limited and Sangeeta Aviation Services Private Limited for the period of 2018 till date conducted by Loya and Mundada Chartered Accountants. The said report shows the unauthorized transfer of Rs. 47,67,981/- in the account of the applicant. Though the applicant has stated that she is a woman with a family and minor children and so deserves protection of her liberty but as is the law that there can be no lenient approach based on gender when sufficient prima-facie case has been made out against the accused. Thus, considering the facts and circumstances of the case and placing reliance on the observations of the Superior Courts in the case of 1) **P. Chidambaram (Supra)**, **Jai Prakash Singh (Supra)**, 3) **Nilesh Vishwas Shelke (Supra)**, 4) **Sukesh Gupta (Supra)**, and 5) **Nilesh Sahebrao Pawar (Supra)** with respect to consideration of the factors while deciding an Anticipatory Bail Application, following order is passed :-

**ORDER**

- 1) Anticipatory Bail Application No. 1037 of 2023 is hereby rejected and disposed of accordingly.
- 2) The concerned Police Station be informed accordingly.

sd/-

(DR. (SMT.) SRISHTY NEELKANTH )  
 Additional Sessions Judge,  
 City Civil Court, Borivali Division,  
 Dindoshi, Goregaon, Mumbai.

Date : 20/07/2023

Dictated on Computer : 20/07/2023  
 Checked & Corrected on : 21/07/2023  
 Sign on : 21/07/2023

CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED JUDGMENT/ORDER.”

24/07/2023 at 11.29 a.m.  
 UPLOAD DATE AND TIME

Mrs. S.B. Vichare  
 NAME OF STENOGRAPHER

Name of Judge (with Court room no.)	HHJ Dr. (Smt) Srishty Neelkanth City Civil & Sessions Court, Borivali Div., Dindoshi, Mumbai ( C.R.No. 04 )
Date of Pronouncement of JUDGEMENT/ORDER	20/07/2023
JUDGEMENT/ORDER signed by P.O. on	21/07/2023
JUDGEMENT/ORDER uploaded on	24/07/2023

MHCC050024412023



**IN THE COURT OF SESSIONS AT DINDOSHI  
(BORIVALI DIVISION), GOREGAON, MUMBAI**

**ANTICIPATORY BAIL APPLICATION NO. 763 OF 2023**

**IN**

**( C. R. No. 155 of 2023 of Sahar Police Station, Mumbai )**

**Mr. Vimal Agarwal**

Age : 43 yrs., Indian Adult,

Occupation : Service,

R/o : Presently R/at B-306, Sai Krupa Elite,

Doddenkundi Fern City Road,

Bangalore, Karnataka : 560 037

**..Applicant**

**V/s**

**The State of Maharashtra**

(through Sahar Police Station, Mumbai)

**..Respondent**

Ld. Adv. Rakesh Singh, for the applicant.

Ld. APP P. K. Mahajan, for the State.

Ld. Adv. Ajinkya Pokharkar, for the intervenor.

**CORAM : H.H. THE ADDITIONAL SESSIONS JUDGE  
DR. (SMT.) SRISHTY NEELKANTH (C.R.NO.4)**

**DATE : 20<sup>th</sup> July, 2023**

**ORDER**

This is an application for the grant of anticipatory bail under Section 438 of the Code of Criminal Procedure, in connection with C.R. No. 155 of 2023 registered with Sahar Police Station, for the

offences punishable under sections 408, 409, 477-A, 420 read with 120(B) and 34 of the Indian Penal Code.

2 On 25.04.2023, at the instance of one Ameet Kamal Agarwal, aforesaid offence came to be registered.

The facts of the case as appears from the FIR are that :-

The informant is the Chairman and the Executive Director of Supreme Transport Pvt. Ltd. and Sangeeta Aviation Service Pvt. Ltd. Apart from the informant, his father, his younger brother, other co-accused namely Vimal Agarwal ( the applicant herein ) and Girish Agarwal are also the Directors in Supreme Transport Pvt. Ltd. The main business of the said company is road transport and air transport of goods. The company owns some vehicles and aircraft. Apart from this, vehicles are taken on rent basis as required for the business of the company. The main office of the said company is at Mumbai and its branches and divisional offices are at Panvel, Kalamboli, Rajasthan, Gujarat, Delhi and Bangalore. The applicant i.e Vimal Agarwal and Girish Agarwal are the cousins of the informant and reside at Bangalore and Delhi respectively. Both of them stay in Mumbai for a few days every month and participate in the day-to-day affairs of the company.

3 Supreme Transport Pvt. Ltd. company is running in loss since 2012. The entire work of both these companies is being looked after from the office situated at Andheri (E). The National Company Law Tribunal ( N.C.L.T. ) by an order dated 10.08.2021 had declared Sangeeta Aviation Service Pvt. Ltd. Company as an insolvent. Appeal against the Impugned Order of the N.C.L.T. is subjudice before the Appellate Court. In the year 2014, one of the co-accused namely Varun

Ramesh Kakriya was appointed as an Assistant. In the year 2016, the other co-accused Kamlesh Bhairav Tatawat was appointed as Chief Finance Officer and his cousin brother Mukesh Bhairav Tatawat was appointed as Chief Operation Officer in the company of the informant. As the informant had to often go abroad and to various other places in India, therefore, to look after the financial affairs of both the companies, the entire responsibility was handed over to Kamlesh Bhairav Tatawat. The old friends of the informant i.e. Swapnil Chavan and Atul Pandey also used to visit the office of the company.

4 As a CEO of the company, in the month of July 2022, the informant came to know that some amount was to be recovered from Nippon Ltd. Company. Therefore, after issuing several e-mail correspondence, the informant was informed on 26.08.2022 by the officials of Nippon Company Ltd. that on 26.07.2022, they had deposited Rs. 3,22,616/- in the Bank of India account of the company. The informant also came to know that on 27.07.2022, Rs. 3,23,278/- came to be transferred from the said account in the bank account of the applicant. After enquiry, the informant came to know that there had been misappropriation of huge amount in the company. The informant, therefore, enquired about the financial transactions of the company through the Chartered Accountant of the company. After getting an Enquiry Report, the informant came to know that the applicant along with other accused had misappropriated total amount of Rs. 6,27,36,180/- by transferring the respective amounts in their accounts through the accounts of the companies. Accordingly, report came to be lodged in the Sahar Police Station.

5 By this application the applicant has contended that the informant is the cousin brother of the applicant. The applicant and the informant are both the directors of M/s Supreme Transport Organization Pvt. Ltd. The applicant is the shareholder of M/s Supreme Transport Organization Pvt. Ltd. Whereas the informant is not the shareholder of the M/s Supreme Transport Organization Pvt. Ltd.

6 It is further contended that by an order dtd. 10.08.2021, NCLT-III, Mumbai suspended all the Directors and employees of the Sangeeta Aviation Services Pvt. Ltd. company and the Hon'ble Tribunal had appointed Mr. Bijendra Zha as a Interim Resolution Professional (IRP) to carry out the remaining process. Therefore, the informant was having no locus/authority to file the present FIR, as all the management and control is vested with IRP. As far as M/s Supreme Transport Organization Pvt. Ltd. is concerned, no Board Meeting has been called for lodging the complaint and it is handiwork of the informant merely to divert the attention from his illegalities and civil proceedings going on before NCLT. It is further contended that the motive behind filing the present FIR against the present applicant and other accused who all are relatives and family members of the informant and having important positions in the company is to grab all the assets and properties of both the companies and to sell out the same and to run away to some other country.

7 It is further contended that the informant was not having any complaint against the present applicant and other accused till the informant was able to sell the properties of M/s Supreme Transport Organization Pvt. Ltd. till the above order by NCLT had been passed

restraining the informant selling properties of M/s Supreme Transport Organization Pvt. Ltd. The present FIR is filed after the said order to fulfill the grudges and oblique motives with intention to pressurize and harass them, so he could sell the properties of M/s Supreme Transport Organization Pvt. Ltd. The dispute between the parties is pending for adjudication before NCLT and the present FIR is an abuse of the process of law. Claiming herself to be innocent, the applicant has contended that she is falsely implicated by the informant with oblique motive and to pressurize the applicant. The applicant is ready to co-operate the Investigating Agency and to abide the terms and conditions imposed by the Court. The applicant, therefore, prayed for her release on anticipatory bail.

8           The prosecution vide say Exh. 05 resisted the application mainly on the ground that from the verification of the bank account it has been revealed that an amount of Rs. 2,10,42,148/- was transferred from the bank account of the company to applicant's bank account and he had misappropriated the same. The said amount is yet to be recovered from the applicant. No relevant information has been given in the application regarding the purpose for which the said misappropriated amount was used by the applicant. The applicant has committed this crime in collusion with other co-accused. No satisfactory explanation is put forth as to how such huge amount has been transferred in the account of the applicant. The amount deposited in the account of the applicant has been withdrawn immediately. It is further submitted that in order to elicit material information and to recover the misappropriated amount, his custodial interrogation will be required. There is possibility of tampering the evidence by the applicant, if he is

granted anticipatory bail. The informant also resisted the application by filing intervener application.

9 The learned APP placed reliance upon -

1) **P. Chidambaram Vs Directorate of Enforcement AIROnline 2019 SC 1001** and 2) **Jai Prakash Singh Vs State of Bihar and anr. AIR 2012 SUPREME COURT 1676** wherein the Hon'ble Supreme Court observed that “ *power under Section 438 Cr.P.C. is an extraordinary power and the same has to be exercised sparingly. The privilege of the pre-arrest bail should be granted only in exceptional cases. The judicial discretion conferred upon the court has to be property exercised after application of mind as to the nature and gravity of the accusation; possibility of applicant fleeing justice and other factors to decide whether it is a fit case for grant of anticipatory bail.* ”

He further relied upon 3) **Nilesh Vishwas Shelke Vs State of Maharashtra AIROnline 2019 Bom 2850**, 4) **Sukesh Gupta Vs State of Maharashtra AIROnline 2021 Bom 3141** and 5) **Nilesh Sahebrao Pawar Vs State of Maharashtra AIROnline 2020 Bom 3162** wherein when after considering the FIR and the documents and the investigation conducted by the Investigating Officer, prima facie disclosed the complicity of the applicants in the crime, the Hon'ble Bombay High Court held that custodial interrogation of the applicant is necessary and rejected the anticipatory bail application of the applicant.

The learned APP thus prayed that the present application be rejected.

10 It is seen that the applicant is the cousin brother of the informant and the Director of Supreme Transport Pvt. Ltd. The

informant has in the FIR given the particulars of the applicant and all the co-accused regarding the amount which were transferred in their accounts from 2018 to 2022. It is seen from the say filed by the Investigating Officer, that an amount of Rs. 2,01,42,148/- was transferred in the account of the applicant during the period from 03.04.2018 to 09.07.2022 from the accounts of Sangeeta Aviation Service Pvt. Ltd., Supreme Transport Pvt. Ltd. and Ameet Agarwal i.e. the informant. It is contended by the applicant that since he was a Director in the company so he was receiving the said amount by way of salary. However, the audit report filed by the Investigating Officer reveals the contrary. It shows that Rs. 2,42,58,208/- were siphoned off in the account of the applicant. No resolution has been filed that has been passed by the board of directors of both the companies regarding the transferred amount. The investigation prima-facie reveals that the accused had embezzled the said amount. It is revealed from the investigation that he applicant received money in the form of rent two to three times in a month from Supreme Transport Pvt. Ltd. and there is no evidence in the bank statement as well as in the account of the company as to how and for what purpose the money from several transactions has been diverted to his account. It has been further revealed in the investigation that on 11.11.2022, the applicant and Girish Agarwal had filed a suit before the Hon'ble NCLT in respect that the Supreme Transport Pvt. Ltd. had not paid any kind of remuneration to them since 01.04.2019. But when the bank accounts of the applicant were verified, during the period from 2018 to 2022, huge amount of Rs. 2,10,42,148/- had been diverted to his accounts, indicating that he tried to mislead the authority by filing a claim against the company before the NCLT that he has not received any payment from the company since

2018. It is further revealed in the investigation that the applicant is the Director of the Supreme Transport Pvt. Ltd. And Sangeeta Aviation Services Pvt. Ltd. But after verifying the bank account of the applicant, no such sanctioned decision of the Board of Directors regarding the amount of embezzlement deposited in his account has been submitted by the applicant.

11 It is the case of the prosecution that the other family members are alleged to be involved in the crime of misappropriation of huge amounts from the company. The remaining accused who are the relatives of the applicant i.e. Smt. Nupur Agarwal, Samiksha Agarwal and Pinki Agarwal, in the conspiracy of the said crime, are not holding any position in the company of the informant, but it is found that they received money from various accounts of the company four to five times per month in the name of salary and rent. This shows the pre-planned conspiracy of the accused.

12 The offence is purely economic in nature. Serious allegations of misappropriation of Rs. 2,10,42,148/- is made against the applicant himself. The investigation is still in progress. From the documents filed on record prima-facie it is seen that the applicant was involved in the commission of the crime. There are prima-facie ingredients of fabrication of documents. This entire case is based on documentary evidence. The possibility of tampering with the evidence cannot be ruled out, if the applicant is released on bail. Thus, considering the facts and circumstances of the case and placing reliance on the observations of the Superior Courts in the case of 1) **P. Chidambaram (Supra)**, **Jai Prakash Singh (Supra)**, 3) **Nilesh Vishwas**

**Shelke (Supra), 4) Sukesh Gupta (Supra), and 5) Nilesh Sahebrao Pawar (Supra)** with respect to consideration of the factors while deciding an Anticipatory Bail Application, following order is passed :-

**ORDER**

- 1) Anticipatory Bail Application No. 763 of 2023 is hereby rejected and disposed of accordingly.
- 2) The concerned Police Station be informed accordingly.

sd/-

(DR. (SMT.) SRISHTY NEELKANTH )  
Additional Sessions Judge,  
City Civil Court, Borivali Division,  
Dindoshi, Goregaon, Mumbai.

Date : 20/07/2023

Dictated on Computer : 20/07/2023  
Checked & Corrected on : 21/07/2023  
Sign on : 21/07/2023

CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED JUDGMENT/ORDER.”	
24/07/2023 at 11.08 a.m. UPLOAD DATE AND TIME	Mrs. S.B. Vichare NAME OF STENOGRAPHER
Name of Judge (with Court room no.)	HHJ Dr. (Smt) Srishty Neelkanth City Civil & Sessions Court, Borivali Div., Dindoshi, Mumbai ( C.R.No. 04 )
Date of Pronouncement of JUDGEMENT/ORDER	20/07/2023
JUDGEMENT/ORDER signed by P.O. on	21/07/2023
JUDGEMENT/ORDER uploaded on	24/07/2023



MHCC050023582023



**IN THE COURT OF SESSIONS AT DINDOSHI  
(BORIVALI DIVISION), GOREGAON, MUMBAI**  
**ANTICIPATORY BAIL APPLICATION NO. 736 OF 2023**  
**IN**  
**( C. R. No. 155 of 2023 of Sahar Police Station, Mumbai )**

**Mr. Rajesh Bhagwandas Agarwal,**

Age : 51 yrs., Indian Adult, Occupation : service,

R/o : Flat No. 108, Wing-1-B,

Walchand Jyot CHS Ltd. Near Post Office,

Pathak Road, Bhayander West, - 401 101

Maharashtra

**..Applicant**

**V/s**

**The State of Maharashtra**

(through Sahar Police Station, Mumbai)

**..Respondent**

Ld. Adv. Manish Rathod along with Adv. Sudhir Chaudhary, for the applicant.

Ld. APP Smt. Poornima chavan, for the State.

Ld. Adv. Ajinkya Pokharkar, for the intervenor.

**CORAM : H.H. THE ADDITIONAL SESSIONS  
JUDGE R.M. MISHRA  
(C.R.NO.4)**

**DATE : 12<sup>th</sup> May, 2023**

**ORAL ORDER**

This is an application for the grant of anticipatory bail under section 438 of the Code of Criminal Procedure, in connection with C.R. No. 155 of 2023 registered with Sahar Police Station, for the offences punishable under sections 408, 409, 477-A, 420 read with 120(B) and 34 of the Indian Penal Code.

2 On 25/04/2023, at the instance of one Ameet Kamal Agarwal, aforesaid offence came to be registered.

The informant is the chairman and the Executive Director of Supreme Transport Pvt. Ltd. and Sangeeta Aviation Service Pvt. Ltd. Apart from the informant and his younger brother, other co-accused namely Vimal Agarwal and Girish Agarwal are also the Directors in Supreme Transport Pvt. Ltd. The said company is running in loss since 2012. The entire work of both these companies are being looked after from the office situated at Andheri (E). N.C.L.T. Tribunal by an order dtd. 10/08/2021 declared Sangeeta Aviation Service Pvt. Ltd. Company as an insolvent and appeal against the Impugned Order is subjudice before the Appellate Court. In the year 2014, one of the co-accused namely Varun Ramesh Kakriya was appointed as an Assistant and in the year 2016 other co-accused Kamlesh Bhairav Tatawat was appointed as Chief Finance Officer and his cousin brother Mukesh Bhairav Tatawat was appointed as Chief Operation Officer in the company of the informant. The informant used to visit abroad and at several other places in India, therefore, to look after the financial affairs of both companies through online/offline, the entire responsibility was handed over to Kamlesh Bhairav Tatawat.

3 As a CEO of the company, in the month of July 2022, the informant came to know that some amount is to be recovered from Nippon Ltd. Company, therefore, after issuing several e-mail correspondence, the informant was informed on 26/08/2022 by the officials of Nippon Company Ltd. that on 26/07/2022, they have deposited Rs. 3,22,616/- in the Bank of India account of the company. The informant also came to know that on 27/07/2022 Rs. 3,23,278/- came to be transferred from the said account in the bank account of Vimal Agarwal. After enquiry, the informant came to know that there is misappropriation of huge amount in the company. The informant, therefore, made enquiry about the financial transactions of the company through the Chartered Accountant of the company. After getting Enquiry Report, the applicant came to know that the accused persons including the applicant have misappropriated total amount of Rs. 6,27,36,180/- by transferring the respective amounts in their accounts through the account of the company. Accordingly, report came to be lodged.

4 By this application the applicant has contended that he is the cousin brother-in-law of the applicant. The applicant claimed himself to be the proprietor of Balaji Enterprises involved in the business of trading of goods and service to their customers. In the year 2017, the applicant joined M/s Supreme Transport Pvt. Ltd., on the salary of Rs. 30,000/- per month. Being a family member, the applicant used to handle various projects of the company and he was responsible to make payment to the labourers and payment of daily expenses, travelling expenses, etc. The aforesaid company used to transfer funds in the bank account of the applicant to make the payment to the labours

and payment towards other expenditure of the companies and the applicant was sincerely performing his duty. As company namely Sangeeta Aviation Pvt. Ltd. was running in loss, therefore, one of the financial creditors filed Company Petition under the provisions of the Insolvency and Bankruptcy Code, 2016 read with Rules therein. Accordingly, by an order dtd. 10/08/2021, NCLT-III, Mumbai suspended all the Directors and employees of the said company and the Hon'ble Tribunal has appointed Mr. Bijendra Zha as a IRP to carry out remaining process. During the period from 27/02/2019 to 04/09/2020, the applicant had received Rs. 84,81,012/- only from the account of Sangeeta Aviation Pvt. Ltd. in his personal account which has been utilized for payment of the employees, labours and towards other expenses in respect of both these companies. The applicant was reimbursed by paying Rs. 2,36,312/- towards the said transaction.

5 Moreover, during the period from 27/02/2019 to 04/09/2020, the applicant's company sold out goods of Rs. 33,78,245/- to M/s Sangeeta Aviation Pvt. Ltd. and against the said invoices, the said company transferred Rs. 24,64,759/- in the account of the Balaji Enterprises. The applicant still has to recover Rs.9,13,486/- from M/s Sangeeta Aviation Pvt. Ltd. It is further contended that the informant has misappropriated several properties of the aforesaid company, therefore, several proceedings have been filed before the Hon'ble NCLT against the Directors of the said company. In view of the order dtd. 05/12/2022 passed by the Hon'ble NCLT, the informant and the other Directors are not authorized to deal with any of the properties of the said company. Claiming himself to be innocent, the applicant has contended that he is falsely implicated by the informant with oblique

motive and to pressurize the applicant. The applicant is ready to cooperate the Investigating Agency and to abide the terms and conditions imposed by the Court. The applicant, therefore, prayed for his release on anticipatory bail.

6           The prosecution vide say Exh. 04 resisted the application mainly on the ground that neither the applicant nor his company was related in any manner with the company of the informant. No satisfactory explanation is put forth as to how such huge amount has been transferred in the account of the applicant. The amount deposited in the account of the applicant has been withdrawn immediately. The applicant has committed this crime in collusion with other co-accused. In order to elicit material information and to recover the misappropriated amount, his custodial interrogation will be required. There is possibility of tampering the evidence by the applicant, if he is granted anticipatory bail. The informant also resisted the application by filing intervener application.

7           I have considered the submissions of learned advocate for the applicant, learned advocate for the intervener, learned APP and Investigating Officer. I have also gone through the material placed on record by the parties and also perused the case diary.

8           During the course of arguments, learned advocate for the applicant emphasized mainly on the copies of WhatsApp chats to show that the amount which was transferred time to time in the account of the applicant has been approved by the informant by issuing messages. The learned advocate for the applicant also relied on the copies of

extracts of bank account of the applicant to show the amount was time to time received by the applicant. It is submitted that the applicant was paid these amounts by way of salary as well as towards the goods supplied by his company to the company of the informant. Learned advocate for the applicant also invited my attention towards the copies of invoice bills to show that the applicant company used to provide goods to M/s Sangeeta Aviation Pvt. Ltd. Learned advocate for the applicant also relied upon the copies of newspaper along with copy of FIR in Crime No. 249 of 2021 under sections 419 and 420 of the Indian Penal Code of Azad Maidan Police Station to show that the informant is having earlier criminal antecedent. Learned advocate for the applicant, therefore, vehemently submitted that the applicant is the relative of the informant and he has been falsely implicated only to pressurize this applicant.

Per contra, learned advocate for the intervener submitted that the FIR has been lodged against total 18 accused. As per the Audit Report, more than Rs. 86,00,000/- has been transferred in the account of the applicant which is not satisfactorily explained by the applicant. It is submitted that WhatsApp chats relied upon by the applicant is having no authenticity. In spite of the accounts of the applicant were seized, nothing is recovered by the Investigating Agency.

9 On the other hand, learned APP has submitted that the applicant was not at all related to the company of the informant. There is misappropriation of total amount of more than Rs. 5 Crores and huge amount has been transferred in the account of the applicant. Therefore, to elicit material information and to recover the amount, custodial interrogation of the applicant will be required.

10 After considering the submissions of both sides, I have carefully gone through the copies of documents on record coupled with the case diary. After careful consideration of the entire facts and circumstances, it reveals that the father of the complainant namely Kamal Agarwal and one Jagdishprasad Agarwal who was the real brother of Kamal Agarwal were the owners of Supreme Transport Pvt. Ltd. Company. Co-accused namely Girish and Vimal Agarwal are the sons of Jagdishprasad Agarwal. Thereafter the informant, his younger brother Aakash and co-accused Girish and Vimal became the Directors of Supreme Transport Pvt. Ltd. In the year 2012, the informant was appointed as an Executive Director and Chairman of the said company. It also reveals from the record that the company of the informant was running in loss, therefore, the Hon'ble NCLT Tribunal by an order dtd. 10/08/2021 declared the said company Sangeeta Aviation Pvt. Ltd. as an insolvent. While making allegations of misappropriation of amount of the company by the accused persons, the informant has given the particulars of each of the co-accused including the applicant regarding the amount which were transferred in their respective accounts during the period from 2018 to 2022. As can be seen from the FIR, in the account of the applicant Rs. 90,85,428/- was transferred from 27/02/2019 to 04/09/2020 which was transferred from the account of Sangeeta Aviation Pvt. Ltd. Moreover, during the period from 27/02/2019 to 04/09/2020 in the account of Balaji Enterprises owned by the applicant total Rs. 27,14,759/- has been transferred from the account of Sangeeta Aviation Pvt. Ltd.

11 As discussed earlier, by placing reliance on the copies of extracts of the bank accounts coupled with the copies of invoices, it has

been tried to be explained by the learned advocate for the applicant that the applicant was receiving the said amount by way of salary and to pay the salary of labours and to discharge other expenses of the company. It is also tried to be explained that the applicant's company Balaji Enterprises also used to supply goods to the company of the informant and towards the said transaction, the applicant had received these amounts.

12 In order to justify the aforesaid transactions, which were entered in the account of the applicant, it reveals that the applicant has put forth contradictory explanations. At one place, the applicant has contended that in the year 2017 he has joined M/s Supreme Transport Pvt. Ltd. as an employee on the salary of Rs. 30,000/- per month. However, not a single document is placed on record to show as to on which post the applicant was appointed as an employee in the said company nor any copy of salary slip etc. is filed on record. The applicant thereafter, come with the contention that he was supplying goods to the company of the informant through his company Balaji Enterprises. However, nothing is made clear as to what kind of goods he used to supply to the company of the informant. Not a single document is filed on record that the applicant and his Balaji Enterprises were appointed as vendor of the informant's company for the supply of any kind of goods. No specific business of Balaji Enterprises has been shown nor it is made clear as to what kind of services were rendered by the said company to the informant.

13 It reveals from the case diary that the applicant is the close relative of other co-accused namely Vimal and Girish Agarwal. Apart

from the applicant, other family members of these co-accused also shown to be involved in committing this crime while misappropriating huge amount of the aforesaid company. The offence is purely economic in nature. Merely the informant is having earlier criminal antecedent and his company has been declared insolvent itself is not sufficient, at this juncture, to hold that the applicant is falsely implicated just to pressurize the applicant. On the contrary, on the basis of aforesaid facts and circumstances, the applicant is found to be prima-facie involved in committing the said offence. Investigation in this crime is at a primary stage. Having regard to the total misappropriated amount which is of Rs. 1,18,00,187/- by the accused persons, in my view, custodial interrogation of the applicant will certainly be required to elicit material information and to recover aforesaid amount. Considering all these circumstances, following order is passed :

**ORDER**

- 1) Anticipatory Bail Application No. 736 of 2023 is hereby rejected and disposed of accordingly.
- 2) The concerned Police Station be informed accordingly.

Dt. 12/05/2023

Sd/-  
**(R.M. MISHRA)**  
Additional Sessions Judge,  
Borivali Div., Dindoshi, Mumbai

Dictated on : 12/05/2023  
Transcribed on : 12/05/2023  
Checked on : 12/05/2023  
Signed on : 12/05/2023

CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED JUDGMENT/ORDER.”	
12/05/2023 at 4.17 p.m. UPLOAD DATE AND TIME	Mrs. S.B. Vichare NAME OF STENOGRAPHER
Name of Judge (with Court room no.)	HHJ R.M. Mishra, City Civil & Sessions Court, Borivali Div., Dindoshi, Mumbai ( C.R.No. 04 )
Date of Pronouncement of JUDGEMENT/ORDER	12/05/2023
JUDGEMENT/ORDER signed by P.O. on	12/05/2023
JUDGEMENT/ORDER uploaded on	12/05/2023



N.C.R.B (एन.सी.आर.बी)

I.I.F.-I (एकीकृत अन्वेषण फॉर्म - १)

**FIRST INFORMATION REPORT**

(Under Section 154 Cr.P.C.)

प्रथम खबर अहवाल  
(कलम १५४ फौजदारी प्रक्रिया संहिता)

1. District (जिल्हा): बृहनमुंबई शहर

P.S.(ठाणे): सहार

Year (वर्ष): 2023

FIR No.(प्रथम खबर क्र.): 0207

Date and Time of FIR (प्र. ख. दिनांक आणि वेळ): 25/04/2023 16:56 बजे

S.No. (अ.क्र.)	Acts (अधिनियम)	Sections (कलम)
1	भारतीय दंड संहिता १८६०	120-B
2	भारतीय दंड संहिता १८६०	४०८
3	भारतीय दंड संहिता १८६०	४०९
4	भारतीय दंड संहिता १८६०	477-A
5	भारतीय दंड संहिता १८६०	४२०
6	भारतीय दंड संहिता १८६०	३४

3. (a) Occurrence of offence (गुन्ह्याची घटना):

1. Day(दिवस): दरमियानी दिन

Date From (दिनांक पासून): 01/04/2018

Time Period

Date To ( दिनांक पर्यंत): 31/07/2022

(कालावधी):

Time From (वेळेपासून): 00:00 बजे

Time To (वेळेपर्यंत): 00:00 बजे

(b) Information received at P.S. (माहिती मिळालेले पोलीस ठाणे):

Date (दिनांक ): 25/04/2023

Time (वेळ): 16:56 बजे

(c) General Diary Reference (रोजनामचा संदर्भ)

Entry No. (नोंद क्र.): 033

Date & Time (दिनांक आणि वेळ): 25/04/2023 16:56 बजे

4. Type of Information (माहितीचा प्रकार): Oral

5. Place of Occurrence (घटनास्थळ):

1.(a) Direction and distance from P.S.(पोलीस ठाण्यापासून दिशा व अंतर): पूर्व, 5 किमी

Beat No. (बिट क्र.):

(b) Address (पत्ता): कंपनीचे आसिफ 5/बी-34, 5/बी-32, अक्षय मित्तल इंडस्ट्रीयल इस्ट,अंधेरी कुर्ला रोड, अंधेरी पुर

(c) In case, outside the limit of this Police Station, then (या पोलीस ठाण्याच्या हद्दीबाहेर असल्यास):

Name of P.S.(पोलीस ठाण्याचे नाव):

District(State) (जिल्हा(राज्य)):

**6. Complainant / Informant (तक्रारदार/माहिती देणारा):**(a) **Name (नाव):** अमीत कमल अगरवाल(b) **Father's/Husband's Name (वडील / पती चे**(c) **Date/Year of Birth (जन्म तारीख/वर्ष):** 1989(d) **Nationality (राष्ट्रीयत्व):** भारत(e) **UID No. (यु.आय.डी. क्र.):**(f) **Passport No. (पारपत्र क्र.):****Date of Issue (दिल्याची तारीख):****Place of Issue (दिल्याचे ठिकाण):****(g) Id details (Ration Card, Voter ID Card, Passport, UID No., Driving License, PAN)**

ओळखपत्र विवरण (राशन कार्ड, मतदाता कार्ड, पासपोर्ट, यूआईडी सं., ड्राइविंग लाइसेंस, पॅन कार्ड)

S.No.(अ. क्र.)	Id Type (ओळखपत्राचा प्रकार)	Id Number (ओळखपत्राचा क्रमांक)
1		

**(h) Address (पत्ता):**

S.No.(अ. क्र.)	Address Type (पत्त्याचा प्रकार)	Address (पत्ता)
1	वर्तमान पता	901 बिकानेर भवन, जे बी नगर, अंधेरी पुर्व, मुंबई, सहार, बृहनमुंबई शहर, महाराष्ट्र, भारत
2	स्थायी पता	901 बिकानेर भवन, जे बी नगर, अंधेरी पुर्व, मुंबई, सहार, बृहनमुंबई शहर, महाराष्ट्र, भारत

**(i) Occupation (व्यवसाय):**(j) **Phone number (फोन नं.):****Mobile (मोबाइल नं.):****7. Details of known/suspected/unknown accused with full particulars (माहीत असलेल्या /संशयित/अनोळखी आरोपीचा संपूर्ण पत्ता):**

S.No. (अ.क्र.)	Name (नाव)	Alias (उर्फनाव)	Relative's Name (नातेवाईकाचे नाव)	Present Address (वर्तमान पता)
1	विमल अगरवाल			1. बेंगलोर, सहार, बृहनमुंबई शहर, महाराष्ट्र, भारत
2	गिरीश अगरवाल			1. माहिती नाही, सहार, बृहनमुंबई शहर, महाराष्ट्र, भारत
3	कमलेश भैरव-तातावत			1. माहिती नाही, सहार, बृहनमुंबई शहर, महाराष्ट्र, भारत
4	नुपर अगरवाल			1. माहिती नाही, सहार, बृहनमुंबई शहर, महाराष्ट्र, भारत
5	समीक्षा अगरवाल			1. माहिती नाही, सहार, बृहनमुंबई शहर, महाराष्ट्र, भारत
6	पिकी अगरवाल			1. माहिती नाही, सहार, बृहनमुंबई शहर, महाराष्ट्र, भारत
7	स्वप्नील चव्हाण			1. माहिती नाही, सहार, बृहनमुंबई शहर, महाराष्ट्र, भारत
8	स्नेहा चव्हाण			1. माहिती नाही, सहार, बृहनमुंबई शहर, महाराष्ट्र, भारत
9	अतुल पांडे			1. माहिती नाही, सहार, बृहनमुंबई शहर, महाराष्ट्र, भारत

## I.I.F.-I (एकीकृत अन्वेषण फॉर्म - १)

10	रजनी पांडे			1. माहिती नाही ,सहार,बृहनमुंबई शहर, महाराष्ट्र,भारत
11	राजेश भगवानदास अगरवाल			1. माहिती नाही ,सहार,बृहनमुंबई शहर, महाराष्ट्र,भारत

8. Reasons for delay in reporting by the complainant/informant (तक्रारदार/माहिती देणा-याकडून तक्रार करण्यातील विलंबाची कारणे):

9. Particulars of properties of interest (संबंधीत मालमत्तेचा तपशील):

S.No. (अ.क्र.)	Property Category (मालमत्ता वर्ग)	Property Type (मालमत्ता प्रकार)	Description (वर्णन)	Value(In Rs/-) (मुल्य (रु. मध्ये))
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10 Total value of property (In Rs/-)-(चोरीस गेलेल्या मालमत्तेचे एकूण मुल्य (रु. मध्ये)):

11 Inquest Report / U.D. case No., if any (इन्क्वेस्ट अहवाल/ अकस्मात मृत्यू प्रकरण क्र.,जर असल्यास):

S.No. (अ.क्र.)	UIDB Number (यु.आय.डी. बी.क्र.)
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12 First Information contents (प्रथम खबर हकीकत ):

फिर्यादीचा सविस्तर जबाब सोबत जोडलेला आहे. गुरक्रं 155/23

श्री. अमीत कमल अगरवाल, वय 34 वर्षे, धंदा-व्यवसाय, रा.टी. 901 बिकानेर भवन, जे.बी. नगर, अंधेरी (पुर्व), मुंबई (मोबा-9870811224)

मी, वरील प्रमाणे असून वर नमुद पत्त्यावर माझे वडील श्री. कमल अगरवाल व आई श्रीमती संगीता अगरवाल यांच्या सोबत रहावयास आहे. माझे वडील श्री. कमल अगरवाल यांनी सन-2008 मध्ये सुप्रिम ट्रान्सपोर्ट प्रा लि या नावाची कंपनी सुरु केलेली आहे. मी संगीता एव्हीएशन सर्विस प्रा लि या कंपनीची स्थापना सन-2012 मध्ये केलेली आहे. या दोन्ही कंपन्यामध्ये मी अध्यक्ष आणि कार्यकारी संचालक म्हणून सध्या कार्यरत आहे. दोन्ही कंपनीचे ऑसिफ 5/बी-34, 5/बी-32 अक्षय मित्तल इंडस्ट्रीयल इस्टेट, अंधेरी कुर्ला रोड, अंधेरी (पुर्व), मुंबई या ठिकाणी आहे.

कंपनीचे संचालक (1) श्री. विमल अगरवाल व (2) गिरीष अगरवाल आणि कंपनीचे सी.एफ.ओ (3) कमलेश भैरव-तातावत यांनी आपसात संगणमत करून एप्रिल-2018 ते जुलै-2022 या कालावधीत भाडे आणि वेतनाच्या नावाखाली कंपनीच्या एकूण 5 कोटी रुपयांचा अपहार केला असल्याबाबत मी डिसेबर-2022 मध्ये मा. पोलीस सह आयुक्त, आर्थिक गुन्हे शाखा, मुंबई यांच्याकडे तक्रार केली होती, परंतु त्यांनी माझी तक्रार स्थानीक पोलीस ठाण्याकडे पाठवली असल्याचे कळविलेले आहे. सबब मी दिनांक 07/01/2023 रोजी सहार पोलीस ठाणे येथे लेखी तक्रार केली असून त्या अनुषंगाने मी खालील प्रमाणे सविस्तर जबाब देत आहे.

सुप्रिम ट्रान्सपोर्ट प्रा लि या कंपनीमध्ये मी स्वतः, तसेच माझे वडील श्री. कमल अगरवाल, माझा सख्खा धाकटा भाऊ श्री. आकाष अगरवाल आणि श्री. विमल अगरवाल व श्री. गिरीष अगरवाल असे एकूण 05 संचालक आहेत. सदर कंपनीचा मुख्य व्यवसाय मालाची रस्ते वाहतूक आणि हवाई वाहतूक करण्याचा आहे. कंपनीच्या मालकीची काही वाहने व विमान आहे. या व्यतीरीक कंपनीच्या व्यवसाया करीता आवश्यकते नुसार भाडे तत्वावर वाहने घेतली जातात. सदर कंपनीचे मुख्य कार्यालय मुंबईमध्ये असून पनवेल, कळंबोली, राजस्थान, गुजरात, दिल्ली आणि बंगलोर या ठिकाणी शाखा व विभागीय कार्यालये आहेत.

संचालकापैकी श्री. विमल अगरवाल हे बंगलोर येथे रहावयास आहेत. श्री. गिरीष अगरवाल हे दिल्ली येथे रहावयास आहेत. ते दोघेही नात्याने माझे चुलतभाऊ आहेत. त्यांचे दिवंगत वडील कै. जगदीशप्रसाद अगरवाल माझ्या वडीलांचे सख्खे मोठे भाऊ होते. कै. जगदीशप्रसाद अगरवाल यांच्या मृत्यु नंतर श्री. विमल अगरवाल आणि श्री गिरीष अगरवाल यांची परस्परातील सहमती नुसार सुप्रिम ट्रान्सपोर्ट कंपनीमध्ये संचालक म्हणून नियुक्ती करण्यात आली आहे. ते दोघेही प्रत्येक महिन्यातील काही दिवस मुंबईमध्ये राहून कंपनीच्या दैनंदिन कामकाजात सहभागी होत असत.

सुप्रिम ट्रान्सपोर्ट प्रा लि. ही कंपनी तोटयात व्यवसाय करीत असल्यामुळे सन-2012 साली आमच्या कुटुंबातील आपसातील समझौत्या नुसार माझी सदर कंपनीमध्ये कार्यकारी संचालक आणि अध्यक्ष म्हणून नेमणूक करण्यात आली आहे. तेव्हापासून दोन्ही कंपनीचा व्यवसाय एकत्रीत रित्या वर नमुद पत्त्यावरील कंपनीच्या कार्यालयातून माझ्या देखरेखीखाली करण्यात येत आहे. संगीता एव्हीएशन या कंपनीच्या विरुद्ध थकबाकी देय असल्याकारणाने एका कंपनीने एन.सी.एल.टी. येथे इन्साॅल्व्हन्सी पीटीशन दाखल केले होते. त्यानुसार मा. एन.सी.एल.टी. प्राधिकरणाने संगीता एव्हीएशन या कंपनीस दिवाळखोर म्हणून दिनांक 10/08/2021 रोजी घोषित केले होते. त्याविरुद्ध कंपनीच्या वतीने अपीलिय प्राधिकरणाकडे दाद मागण्यात आली असून त्याची सुनावणी चालू आहे. त्यामुळे संगीता एव्हीएशन या कंपनीच्या सर्व आर्थिक व्यवहारांवर मा. एन.सी.एल.टी. प्राधिकरणाने नेमलेल्या आय.आर.पी. श्री बिजेन्द्र झा यांची देखरेख आहे.

सन-2014 मध्ये आमच्या कंपनीमध्ये श्री. वरुण रमेश काकरीया, रा.टी. बि विंग, शरयु बिल्डींग, सुचीधाम, फिल्म सिटी रोड, मालाड

(पुर्व), मुंबई याची नेमणुक सदर कंपनीमध्ये सहाय्यक म्हणुन करण्यात आली होती.

सन-2016 साली आमच्या कंपनीमध्ये श्री कमलेश भैरव-तातावत, रा.ठी. 89/डी, नारायन विहार-1, जगन्नाथपुर, संगानेर, जयपुर, राजस्थान याची चिफ फायनान्स आॅफिसर म्हणुन नियुक्ती केली होती. तसेच त्याचा चुलतभाऊ मुकेश भैरव -तातावत याची नियुक्ती चिफ आॅपरेशन आॅफिसर म्हणुन केली होती.

दोन्ही कंपन्या वेळोवेळी सरकारच्या विविध खात्यातर्फे जाहीर करण्यात आलेल्या प्रकल्पात ठेकदार म्हणुन सहभागी होत असतात. सदर कंत्राट मिळविण्या करीता करावयाची संपुर्ण प्रक्रीया, त्या करीता आवश्यक असलेले सर्व कागदोपत्री व्यवहार, वेळोवेळी संबंधीत सरकारी अधिका-या समवेत संपर्क ठेवणे, कंत्रट पुर्ण करण्या करीता विविध व्यवसायीकांची मदत घेणे, कंत्राटा प्रमाणे नेमुन दिलेले काम पुर्ण करणे, सरकारी कार्यालयातुन येणे असलेल्या रकमेचा पाठपुरावा करणे, कंपनी तर्फे विविध व्यवसायीकांना देय असलेली रक्कम अदा करणे इत्यादी अनेक कार्य व्यवसाया निमित्त करावी लागतात. या सर्व कामाची जबाबदारी श्री. कमलेश तातावत आणि श्री. वरुण काकरीया यांच्यावर सोपविण्यात आली होती, त्या प्रमाणे ते दोघेजण कंपनीतील कामकाज करीत होते.

माझे पुर्वीचे मित्र स्वप्नील चव्हाण आणि अतुल पांडे हे सुध्दा वर नमुद पत्त्यावरील कंपनीच्या कार्यालयात नेहमी येत-जात होते. आमच्या दोन्ही कंपनीचे एच.डी.एफ.सी बँक, बँक आॅफ इंडिया, पंजाब नॅशनल बँक, सिटी बँक, डी.सी.बी बँक इत्यादी बँकेमध्ये बँक खाते आहेत. सदर बँक खात्याचा तपशील खालील प्रमाणे आहे.

Bank Name  
Account Number  
M/s Supreme Transport Origination Pvt. Limited  
HDFC  
10452840000014

HDFC  
03302840000157

HDFC  
01662840000470

HDFC  
03302840000140

04072840000053

HDFC  
00602340000085

PNB  
10451131002901

BOI  
843720110000498  
843720110000498  
BOI  
004420110000823

श्री. अमीत कमल अगरवाल, वय 34 वर्षे यांचा जबाब पुढे चालु.....

Bank Name  
Account Number  
M/s Sangeeta Aviation Services Pvt. Ltd  
Development Credit Bank

(Customer ID  
102173678)  
00421300002745

HDFC  
50200008133578

Citi Bank  
0060246114

Punjab National Bank  
10454015001858

तसेच कंपनीच्या व्यवहारातील सुलभते करीता माझे व्यक्तीगत बँक खाती कंपनीच्या कार्यालयातुन वेळोवेळी वापरण्यात येत असतात. माझ्या वैयक्तीक बँक खात्याचा तपशील खालील प्रमाणे

Bank Name  
Account Number  
Mr. Ammeet K. Agarwal  
Development Credit Bank  
00410200001403

PNB  
10452191004874

वर नमुद केलेली सर्व बँक खाती व्यवहारीक सुलभते करीता नेट बँकींगच्या माध्यमातुन वापरली जातात. उपरोक्त HDFC बँक खात्यापैकी सुप्रिम ट्रान्सपोर्ट प्रा लि कंपनीच्या भक्शब् बँकेतील सर्व खात्याचा रजिस्टर्ड ईमेल आयडी हपतपैी ;Mh girish@stoptl.in आणि रजिस्टर्ड मोबाईल क्रमांक 9311701121 असा असुन सदरचा ईमेय आयडी आणि मोबाईल नंबर श्री. गिरीश अगरवाल यांच्या व्यक्तीगत वापरता आहे. तसेच इतर सर्व बँक खात्याचा रजिस्टर्ड इमेलय आय.डी.-Mh- kamlesh@supremeavaiaition.com आणि रजिस्टर्ड मोबाईल नंबर 8078655144 असा असुन तो कमलेश तातावत यांच्या व्यक्तीगत वापरता आहे. मला कंपनीच्या कामासाठी सतत पदेघात तसेच भारतातील विविध भागात जावे लागते, त्यामुळे मला कंपनीच्या दैनदिन आर्थीक व्यवहाराचे कामकाज पाहणे शक्य नसल्यामुळे मी आमच्या दोन्ही कंपनीच्या सर्व आर्थीक व्यवहाराची तसेच माझ्या वैयक्तीक बँक खातयातील ऑनलाईन/ऑफलाईन व्यवहाराची संपुर्ण जबाबदारी सी.एफ.ओ कमलेश तातावत याच्यावर सोपवली होती. तसेच कमलेश तातावत याला कंपनीच्या कामकाजा करीता एक स्वतंत्र लपटाॅप आणि संगणक देण्यात आलेला होता.

मी, जुलै-2022 मध्ये कंपनीच्या आर्थीक व्यवहाराचा आढावा घेत असताना मला काही माहीती आवश्यक असल्याने मी कमलेश आणि वरुण यांना आमच्या कंपनीस येणे असलेल्या रकमेचा तपशील मागीतला होता. त्यावेळी निष्पाॅन लिमिटेड कंपनीकडुन आमच्या कंपनीला काही रक्कम येणे बाकी असल्याचे समजले. त्यामुळे मी स्वतः जुलै ते सप्टेंबर-2022 मध्ये निष्पाॅन कंपनीच्या संबंधीत अधिका-यांना अनेकवेळे ईमेल पाठवुन आमच्या कंपनीची देय असलेली रक्कम लवकरत लवकर अदा करावी अशी विनती केली होती.

ब-याच प्रयत्ना नंतर दिनांक 26/08/2022 रोजी निष्पाॅन लिमिटेड कंपनीच्या पदाधिका-यांनी मला ईमेल पाठवुन आमच्या कंपनीला देय असलेली रक्कम आमच्या कंपनीच्या BOI A/C No843720110000498 मध्ये ट्रान्सफर केली असल्याचे कळविले होते.

मी उपरोक्तBOI बँक खात्याचे स्टेटमेंट प्राप्त करुन त्याचे अवलोकन केले असता दिनांक 26/07/2022 रोजी निष्पाॅन लिमिटेड कंपनीकडुन एकुण 03,22,616/- एवढी रक्कम बँक खात्यामध्ये क्रेडीट झाली असल्याचे आढळुन आले. परंतु दिनांक 27/07/2022 रोजी एकुण 03,23,278/- एवढी रक्कम कंपनीचे संचालक श्री. विमल अगरवाल यांच्या बँक खात्यामध्ये ट्रान्सफर करण्यात आली असल्याचे आढळुन आले.

सदर वेळी मी परदेघात असल्यामुळे सी.एफ.ओ. श्री. कमलेश तातावत यांच्याशी संपर्क साधुन त्यांच्याकडे विमल अगरवाल यांना दिनांक 27/07/2022 रोजी करण्यात आलेल्या पेमेंट बाबत विचारणा केली, परंतु त्यांनी मला कोणतीही समाधानकारक माहीती दिली नाही. सबब श्री. विमल अगरवाल यांच्याशी संपर्क केला परंतु त्यांनीही मला कोणतीही समाधान कारक माहीती दिली नाही. त्यानंतर कमलेश तातावत आणि वरुण काकरीया यांनी अचानक कंपनीच्या ऑफिसमध्ये येणे बंद केले.

श्री. विमल अगरवाल व कमलेश तातावत यांच्या एकंदरीत वर्तणुकीवरुन त्यांनी कंपनीमध्ये काहीतरी आर्थीक गैरव्यवहार केला असावा अशी शंका आल्यामुळे मी परदेघातुन भारतात आल्यानंतर आमच्या कंपनीचे चार्टर्ड अकाऊंटंट श्री. गिरीश मुंदडा यांना दिनांक 06/09/2022 रोजी लेखी पत्र पाठवुन कंपनीच्या बँक खात्याची तसेच आर्थीक व्यवहाराची चौकशी/छाननी करुन त्यांनी केलेल्या चौकशी/छाननीचा निष्कर्ष कळविण्याची विनती केली होती. त्या प्रमाणे त्यांनी आमच्या कंपनीच्या आर्थीक व्यवहाराची तपासणी करुन त्यांचा अहवाल दिनांक 02/03/2023 रोजी वरिष्ठ पोलीस निरिक्षक, सहार पोलीस ठाणे यांना पाठविलेला आहे. त्याची प्रत मी यासोबत सादर करीत आहे.

सुप्रीम ट्रान्सपोर्ट, संगीता एव्हीएषन आणि माझ्या वैयक्तिक (उपरोक्त नमुद) बँक खात्याची माहिती व बँक स्टॅटमेंट घेऊन त्याचे अवलोकन केले असता भाडे आणि वेतनाच्या नावाखाली सुप्रीम ट्रान्सपोर्ट कंपनी, संगीता एव्हीएषन आणि माझ्या वैयक्तिक बँक बँक खात्यातून खालील व्यक्तीच्या बँक खात्यामध्ये एकूण 6,27,36,180/- एवढी रक्कम ट्रान्सफर झाली असल्याचे आढळून आले. सदर व्यक्तीची नावे व त्यांच्या बँक खात्याची माहिती खालील प्रमाणे आहे.

1) श्री. विमल अगरवाल यांचे HDFC Bank A/c No 02721000019875 या खात्यामध्ये दिनांक 03/04/2018 ते दिनांक 09/07/2022 या कालावधीत सुप्रीम ट्रान्सपोर्ट कंपनीच्या खात्यातून एकूण रक्कम रु. 1,86,26,908 , संगीता एव्हीएषन कंपनीच्या खात्यातून एकूण रक्कम रु. 13,93,250 आणि अमित अगरवाल यांच्या खात्यातून रु. 8,00,000 अशी एकत्रित 02,08,20,158/- इतकी रक्कम ट्रान्सफर करण्यात आले आहेत.

श्री. अमीत कमल अगरवाल, वय 34 वर्षे यांचा जबाब पुढे चालू.....

2) श्रीमती नूपुर विमल अगरवाल यांचे HDFC Bank A/c No 02721000018984 या खात्यामध्ये दिनांक 16/01/2018 ते दिनांक 06/07/2022 या कालावधीत सुप्रीम ट्रान्सपोर्ट कंपनीच्या खात्यातून एकूण रक्कम रु. 22,14,824 , संगीता एव्हीएषन कंपनीच्या खात्यातून एकूण रक्कम रु. 8,17,600 आणि अमित अगरवाल यांच्या खात्यातून रु. 8,00,000 अशी एकत्रित 38,32,424. इतकी रक्कम ट्रान्सफर करण्यात आले आहेत.

3) श्री. गिरीश जगदीशप्रसाद अगरवाल यांचे 02721000019892 या खात्यामध्ये दिनांक 22/06/2018 ते दिनांक 06/07/2022 या कालावधीत सुप्रीम ट्रान्सपोर्ट कंपनीच्या खात्यातून एकूण रक्कम रु. 11,05,072 , संगीता एव्हीएषन कंपनीच्या खात्यातून एकूण रक्कम रु. 13,93,250 आणि अमित अगरवाल यांच्या खात्यातून रु. 8,00,000 अशी एकत्रित 32,98,332. इतकी रक्कम ट्रान्सफर करण्यात आले आहेत.

4) श्रीमती समीक्षा गिरीश अगरवाल यांचे HDFC Bank A/c No 02721000070214 या खात्यामध्ये दिनांक 22/06/2018 ते दिनांक 06/07/2022 या कालावधीत सुप्रीम ट्रान्सपोर्ट कंपनीच्या खात्यातून एकूण रक्कम रु. 08,79,970 , संगीता एव्हीएषन कंपनीच्या खात्यातून एकूण रक्कम रु. 10,95,500 आणि अमित अगरवाल यांच्या खात्यातून रु. 8,00,000 अशी एकत्रित 27,75,470. इतकी रक्कम ट्रान्सफर करण्यात आले आहेत.

5) श्रीमती पिंकी जगदीशप्रसाद अगरवाल यांचे HDFC Bank A/c No02721000055437 या खात्यामध्ये दिनांक 04/05/2018 ते दिनांक 06/07/2022 या कालावधीत सुप्रीम ट्रान्सपोर्ट कंपनीच्या खात्यातून एकूण रक्कम रु. 11,94,970 , संगीता एव्हीएषन कंपनीच्या खात्यातून एकूण रक्कम रु. 8,77,150 आणि अमित अगरवाल यांच्या खात्यातून रु. 7,86,611 अशी एकत्रित 28,58,700/-रक्कम ट्रान्सफर करण्यात आले आहेत.

6) श्री. अतुल सुरेद्र पांडे यांचेHDFC Bank A/c No 12111140000459 या खात्यामध्ये दिनांक 31/08/2019 ते दिनांक 15/12/2021 या कालावधीत एकूण 37,34,000. इतकी रक्कम संगीता एव्हीएषन या कंपनीच्या बँक खात्यातून ट्रान्सफर झाले आहेत.

7) श्रीमती रजनी सुरेद्र पांडे यांचे PNB Bank A/c No 1565000100131966 या खात्यामध्ये दिनांक 09/10/2020 ते दिनांक 05/12/2020 या कालावधीत एकूण 11,00,000. इतकी रक्कम संगीता एव्हीएषन या कंपनीच्या बँक खात्यातून ट्रान्सफर झाले आहेत.

-----8) श्री. स्वप्नील बबन चव्हाण यांचेICICI Bank A/c No 104401531869 -Axis Bank A/c No921010008877100 या खात्यामध्ये दिनांक 15/11/2019 ते दिनांक 27/12/2021 या कालावधीत एकूण 45,52,400. इतकी रक्कम संगीता एव्हीएषन या कंपनीच्या बँक खात्यातून ट्रान्सफर झाले आहेत.

9) श्रीमती स्नेहा बबन चव्हाण यांचे Saraswat Bank A/c No013200128873557 या खात्यामध्ये दिनांक 04/07/2019 ते दिनांक 07/09/2021 या कालावधीत एकूण 47,55,000. इतकी रक्कम संगीता एव्हीएषन या कंपनीच्या बँक खात्यातून ट्रान्सफर झाले आहेत.

10) तसेच स्वप्नील चव्हाण याने दिनांक 05/03/2017 रोजी UAE देशात "पोटोमॅक एव्हीएषन टेक्नाॅलाजी" नावाची कंपनी स्थापन केली आहे. तसेच सदर कंपनीच्या "नुर ट्रेड बँक, यु.ए.ई" येथे बँक खाते उघडले असून सदर बँक खात्याचा पत्ता मरोळ मरोषी रोड, अंधेरी (पुर्व), मुंबई येथील आहे. तसेच सुप्रीम एव्हीएषन कंपनीच्या बँक खात्यातून पोटोमॅक कंपनीच्या बँक खात्यामध्ये खालील प्रमाणे रक्कम ट्रान्सफर केली आहे.

Sr. No  
Transaction Date  
Amount

Value in INR
01
19/04/2017
72,932.15 AED
16,04,500/-
02
19/04/2017
72,983.04 AED
16,05,000/-
Total
32,09,500/-

11) श्री. राजेश भगवानदास अगरवाल यांच्या बँक खात्यामध्य दिनांक 27/02/2019 ते दिनांक 04/09/2020 या कालावधीत एकुण 90,85,437.इतकी रक्कम संगीता एव्हीएशन या कंपनीच्या बँक खात्यातून ट्रान्सफर झाले आहेत.

12) श्री. राजेश भगवानदास अगरवाल यांच्या मालकीच्या बालाजी एंटरप्रायझेसच्या Bassein Catholic Co-Op Bank Ltd A/c No 012130300000051 या बँक खात्यामध्य दिनांक 27/02/2019 ते दिनांक 04/09/2020 या कालावधीत एकुण 27,14,759. इतकी रक्कम संगीता एव्हीएशन या कंपनीच्या बँक खात्यातून ट्रान्सफर झाले आहेत. तसेच विमल अगरवाल, नुपर अगरवाल, गिरीष अगरवाल व पिंकी अगरवाल यांनी त्यांच्या व्यक्तिगत विदेशी प्रवासाकरीता वेळोवेळी सुप्रिम ट्रान्सपोर्ट व संगिता एव्हीएशन तसेच माझ्या बँक खात्यावर रक्कमा पाठविलेल्या होत्या. परंतु त्यांचा विनायीयोग हा त्यांच्याच विदेश प्रवासाकरीता करण्यात आलेला होता. त्याबाबत सर्व हिशोब माझ्याकडे आहे.

वस्तुतः गेली अनेक वर्षे सुप्रिम ट्रान्सपोर्ट व संगीता एव्हीएशन या दोन्ही कंपन्या सातत्याने तोट्यात चालविण्यात येत आहेत. त्यामुळे मी सन 2012 सालापासून ते आजपावेतो कंपनीच्या खात्यामधून कोणताही आर्थिक मोबदला घेतलेला नाही. तसेच माझे वडील श्री कमल अगरवाल माझा सख्खा धाकटा भाउ आकाष अगरवाल यांनीही कोणताही आर्थिक मोबदला घेतलेला नाही. त्यामुळे वर नमुद केल्यानुसार श्री विमल अगरवाल आणि इतरांच्या खात्यामध्ये एवढी प्रचंड रक्कम सन 2018 ते 2022 या कालावधीत टप्प्या टप्प्याने वळती करण्यामागे त्यांचा लबाडीचा उद्येप असल्याचे स्पष्ट दिसून येते. तसेच सदरची रक्कम वळती केल्याबाबत मला या

श्री. अमीत कमल अगरवाल, वय 34 वर्षे यांचा जबाब पुढे चालू.....

कालावधीत कमलेश तातावत आणि वरुण काकरिया यांच्याकडूनही कोणतीही पुर्वकल्पना प्राप्त झालेली नव्हती. त्यावरून विमल अगरवाल आणि इतर लाभार्थी तसेच कमलेश तातावत आणि वरुण काकरिया यांच्यात आपआपसात संगणमत असल्याचेही मला स्पष्ट झाले आहे.

मी कंपनीचे संचालक श्री. विमल अगरवाल, श्री. गिरीष अगरवाल, स्वप्नील चव्हाण, अतुल पांडे व राजेश अगरवाल यांच्याशी संपर्क साधण्याचा वारंवार प्रयत्न केला परंतु त्यांनी कोणताही प्रतिसाद दिलेला नाही. उलटपक्षी दिनांक 11/11/2022 रोजी श्री. विमल अगरवाल व श्री. गिरीश अगरवाल यांनी एन.सी.एल.टी (नॅशनल कंपनी लाॅटिब्युनल), मुंबई यांच्याकडे खटला दाखल करून सदर खटल्यामध्ये दिनांक 01/04/2019 पासून सुप्रिम ट्रान्सपोर्ट कंपनीने त्यांना कोणत्याही प्रकारचे मानधन दिले नाही असा दावा केला आहे.

(1) विमल अगरवाल (2) नुपर अगरवाल (3) गिरीष अगरवाल (4) समीक्षा अगरवाल (5) पिंकी अगरवाल (6) स्वप्नील चव्हाण (7) स्नेहा चव्हाण (8) अतुल पांडे व (9) रजनी पांडे, (10) राजेश भगवानदास अगरवाल तसेच इतर काही व्यक्तींनी आणखीन काही रकमेचा अपहार केला असण्याची शक्यता असून त्या अनुषंगाने कंपनीतील आर्थिक व्यवहाराची बारकाईने छाननी/पडताळणी करण्यात येत आहे. पडताळणी दरम्यान नमुद व्यक्तींनी आणखीन काही रकमेचा अपहार केल्याचे निदर्शनास येताच तात्काळ सहाय पोलीस ठाणेस कळविण्यात येईल.

तरी सुप्रिम ट्रान्सपोर्ट प्रा लि या कंपनीचे संचालक (1) श्री. विमल अगरवाल व (2) गिरीश अगरवाल आणि सी.एफ.ओ (3) कमलेश भैरव तातावत यांनी एप्रिल-2018 ते जुलै-2022 या कालावधीत आपसात संगणमत करून त्यांच्या वैयक्तिक आर्थिक फायद्या करीता भाडे आणि वेतनाच्या नावाखाली सुप्रिम ट्रान्सपोर्ट, संगीता एव्हीएशन सर्विस व माझ्या वैयक्तिक बँक खात्यातून खात्यातून एकुण 6,27,36,180/- रुपये एवढी रक्कम (1) विमल अगरवाल (2) नुपर अगरवाल (3) गिरीश अगरवाल (4) समीक्षा अगरवाल (5) पिंकी अगरवाल (6) स्वप्नील चव्हाण (7) स्नेहा चव्हाण (8) अतुल पांडे व (9) रजनी पांडे, (10) राजेश भगवानदास अगरवाल यांच्या बँक खात्यामध्ये ट्रान्सफर करून एकुण 6,27,36,180/- एवढ्या रकमेचा अपहार करून फसवणुक केली आहे, म्हणून माझी त्यांचे विरुद्ध तक्रार असून कायदेबिर कारवाई होण्यास विनंती आहे.

**13.Action** Since the above information reveals commission of offence(s) u/s as mentioned at  
(केलेली कारवाई: बाब क्र.२ मध्ये नमूद केलेल्या कलमान्वये वरील अहवालावरून अपराध घडल्याचे.)

(1) **Registered the case and took up the investigation:** (प्रकरण नोंदविले आणि तपासाचे काम हाती घेतले): or (किंवा)

(2) **Directed (Name of I.O.)** (तपास अधिका-याचे नाव): SANDEEP LAXMAN SHINDE  
**Rank** (पद): I (Inspector)

**No.(क्र.):** PBMAH85460 **to take up the Investigation** (ला तपास करण्याचे अधिकार दिले) **or** (किंवा)

(3) **Refused investigation due to** (ज्या कारणामुळे तपास करण्यास नकार दिला):

or (ज्या कारणामुळे तपास करण्यास नकार दिला)

(4) **Transferred to P.S.** (गुन्हा दुसरीकडे पाठविला असल्यास त्या पोलीस ठाण्याचे नाव):

**District** (जिल्हा):

**on point of jurisdiction** (को क्षेत्राधिकार के कारण हस्तांतरित) .

**F.I.R. read over to the complainant / informant, admitted to be correctly recorded and a copy given to the complainant / informant free of cost.** (प्रथम खबर तक्रारदाराला/खबरीला वाचून दाखविली, बरोबर नोंदविली असल्याचे त्याने मान्य केले आणि तक्रारदाराला/खबरीला खबरीची प्रत मोफत दिली.)

**R.O.A.C.**(आर. ओ .ए .सी.)

**14.Signature/Thumb impression of the complainant / Informant.**(तक्रारदाराची/खबर देणा-याची सही/अंगठा):

**15.Date and time of dispatch to the court** (न्यायालयात पाठवल्याची तारीख व वेळ):

*Sanjay Yashwant Govilkar*

*Sanjay*

**Signature of Officer in charge, Police Station**

(ठाणे प्रभारी अधिका-याची)

**Name** (नाव): sanjay yashwant govilkar

**Rank**(पद): I (Inspector)

**No.**(सं.):

मुंबई