



**IN THE COURT OF SESSIONS AT DINDOSHI
(BORIVALI DIVISION), GOREGAON, MUMBAI
ANTICIPATORY BAIL APPLICATION NO.1520 OF 2021
IN
(C. R. No.732 of 2020 of MIDC Police Station)**

- | | | | |
|--------|--|---|---------------|
| 1. | Pranav Arvind Mehta, |] | |
| | An Adult, Hindu, Aged 33 years, |] | |
| | Occ : Real Estate Investors, |] | |
| | R/a. Flat No.B-18, Sumati Apartment, |] | |
| | L.T.Road, Opp. Dahisar Railway Station, |] | |
| | Dahisar (W), Mumbai 400068. |] | |
| 2. | Mitesh Nagraj Jain, |] | |
| | An Adult, Hindu, Aged about 47 years, |] | |
| | Occ: Real Estate Investors, Residing at |] | |
| | B-34, Avanti CHS, Shimpoli Road, |] | |
| | Haridas Nagar, Borivali (W), |] | |
| | Mumbai 400092. |] | ...Applicants |
| Versus | | | |
| | The State of Maharashtra, |] | |
| | (at the instance of MIDC Police Station in |] | |
| | C.R. No.732/2020) |] | ..Respondent |

Ld. Adv. Devendra Patil for the applicants.

Ld. APP Usha Jadhav for the State.

**CORAM : SHRI L.S. CHAVAN,
ADDITIONAL SESSIONS JUDGE,
COURT ROOM NO.10.**

DATE : 11th April, 2022

ORAL ORDER

This is an application filed by the applicants under Section 438 of the Code of Criminal Procedure 1973, for granting anticipatory bail in connection with Crime No.732/2020, registered with MIDC Police Station for the offence punishable under Sections 408, 420 r/w. 34 of the Indian Penal Code.

2. The factual matrix of the prosecution case is that during the period of 17/06/2019 to 31/08/2019, the accused Shantanu being a Deputy Manager of IndusInd Bank by making collusion with co-accused embezzled an amount of Rs.71,08,212.76/- from the account holders of AL Razi Bank. They remitted the said amount from the account holders in AL Razi Bank into various false and fake beneficiary's account created by them for playing a monetary fraud on the customers. Therefore, the complainant being Operation Manager of the IndusInd Bank, lodged the report to MIDC Police Station against the applicants and co-accused. On the report of complainant, Crime No.732/2020 came to be registered against them for the offence punishable under Sections 408, 420 r/w 34 of the Indian Penal Code.

3. The learned advocate for the applicants argued that, the applicants are innocent and have been falsely implicated in the above said crime. They were unaware that the accused Shantanu had deposited the money in their respective account. The applicants have already conveyed to the IndusInd Bank that they will returned the entire amount which were received in their Bank account. They have no concerned with the alleged offence committed by co-accused. They were introduced by the co-accused Dhanashree Rane to Shantanu for securing loan from the IndusInd Bank for investing money in their real

estate project. They are ready to deposit the amount received by them in next three months. Their custodial interrogation is unwarranted. Hence, requested to enlarge the applicants on bail.

4. Per contra, the learned APP for the respondent strongly opposed for granting bail contending that, the applicants and co-accused by making false transaction misappropriated the amount of Rs.71,08,212.76/-. The applicants are beneficiaries of the amounts. As the offence is serious in nature. If, the applicants are released on pre-arrest bail then there is possibility to tamper with prosecution evidence and flee from justice. Hence, requested for rejecting the application.

5. In view of the rival submission of both the sides, it appears that the applicants are involved in Crime No.732/2020 registered with MIDC Police Station for the offence punishable under Sections 408, 420 r/w 34 of the Indian Penal Code. It is seen that, the amount of Rs.16,41,626.62/- and Rs.26,38,095.01/- has been transferred by the accused Shantanu in the account of Damini Mehta(wife of applicant no.1) and Mitesh Jain on the instances of co-accused Dhanashree. There is misappropriation of the total amount of Rs.71,08,212.76/-. The applicants are ready to deposit the amount which were transferred in their account within three months. But, it is not a case to grant the installments to deposit the amounts. Considering, the nature of allegation made against the applicants and looking their willingness to deposit the amounts, it would be proper to enlarge the applicants on pre-arrest bail subject to deposit the certain amounts as a security. Hence, I pass following order:

ORDER

1. Anticipatory Bail Application No.1520 of 2021 is hereby allowed.
2. In the event of arrest of the applicants namely, **1) Pranav Arvind Mehta and 2) Mitesh Nagraj Jain**, be released on bail on executing P.R. Bond of Rs.25,000/- (Rupees Twenty Five Thousand Only) each with one or two surety/sureties of like sum in connection with Crime No.732/2021, registered with MIDC Police Station for the offences punishable under Sections 408, 420 r/w. 34 of the Indian Penal Code, on following conditions :
 - i) They shall attend the MIDC Police Station on every Sunday in between 10.00 a.m. to 01.00 p.m. till filing of charge-sheet and shall co-operate the I.O. for investigation.
 - ii) They shall not pressurize the complainant and witnesses.
 - iii) They shall not leave India without prior permission of the Court.
 - vi) The applicant no.1 and 2 are directed to deposit the amount of Rs. 16,41,626.62/- and Rs.26,38,095.01/- respectively as security before the Ld. Metropolitan Magistrate 22nd Court, Andheri Mumbai, and shall not withdraw the said amount till concluding of trial.
 - v) They shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the fact of the case so as to dissuade them from disclosing such a fact to the Court or to any police officer.
 - vi) They are directed to furnish their local & native addresses and their contact numbers to MIDC Police Station.
 - vii) Inform to MIDC Police Station accordingly.

3. Anticipatory Bail Application No.1520 of 2021 stands disposed of accordingly.

(L. S. CHAVAN)

Dt. 11.04.2022

Additional Sessions Judge,
Borivali Div.,Dindoshi, Mumbai.

Directly Typed on P.C.

: 11.04.2022

Checked & Signed by HHJ on

: 11.04.2022

CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED JUDGMENT/ORDER.” UPLOAD DATE AND TIME 12.04.2022 AT 03.45 PM NAME OF TYPIST MRS.SHRADHA KADAM	
Name of Judge (with Court room no.)	HHJ Shri L.S. Chavan, City Civil & Sessions Court, Borivali Div., Dindoshi. (C.R.No.10)
Date of Pronouncement of JUDGEMENT/ORDER	11/04/2022
JUDGEMENT/ORDER signed by P.O. on	11/04/2022
JUDGEMENT/ORDER uploaded on	12/04/2022