



Serial No. 02
Supplementary List

HIGH COURT OF MEGHALAYA
AT SHILLONG

AB No. 13 of 2025

Date of Decision: 24.06.2025

Sandeep Bhalerao,
 Aged about 42 years,
 Son of Bhalasahep Bhalerao
 Having his corporate office at
 Ador Powertron Limited, 51, D II Block, M.I.D.C,
 Chinchwad, Pune – 411 019

.....Applicant

VERSUS

State of Meghalaya,
 Represented by the Public Prosecutor, Meghalaya
 Through Sadar Police Station, East Khasi Hills District,
 Meghalaya, Shillong.

.....Respondent

Coram:

Hon'ble Mr. Justice W. Diengdoh, Judge

Appearance:

For the Petitioner/Appellant(s) : Mr. K. Talukdar, Adv.
 Ms. C. Das, Adv.
 Mr. S. Sonowal, Adv.

For the Respondent(s) : Mr. S. Sengupta, Addl. P.P
 Mr. H. Kharmih, Addl. P.P

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| i) | Whether approved for reporting in Law journals etc.: | Yes/No |
| ii) | Whether approved for publication in press: | Yes/No |



ORDER (ORAL)

1. An FIR was lodged before the Officer-in-Charge, Sadar Police Station on 06.03.2025 by one Mr. Anshit Raj Kakkar representing M/s Nice Infotech wherein an allegation was made that wires connected to the VMDS located at old Assembly, DC Office and Additional Secretariat were found missing on being checked by the complainant and the team. Therefore, the said FIR was filed on the ground that theft has been committed.

2. In course of investigation, on the case being registered as Sadar P.S Case No. 64(03) of 2025 under Section 305(e)/324(3)(5) BNS, a notice was issued upon the applicant directing him to appear before the IO on 19.05.2025. The applicant has replied to the said notice vide a communication dated 04.06.2025 seeking rescheduling of the date of his appearance since he is a resident of Pune, in the State of Maharashtra and could not appear on the said date fixed. However, in the meantime, apprehending arrest in connection with the said Sadar P.S case, the applicant had approached the Hon'ble Bombay High Court with an application seeking transit bail to allow him to appear before the competent court of jurisdiction in the State of Meghalaya. Vide order dated 10.06.2025, the applicant was allowed by the Hon'ble Bombay High Court to appear before the competent court in the State of Meghalaya for which he was granted transit bail.

3. The period of transit bail being exhausted, the applicant has now approached this Court with this instant application seeking grant of pre-arrest bail.

4. Mr. K. Talukdar, learned counsel for the applicant has submitted



that presumably the genesis of the dispute leading to the lodgment of the FIR is a breach of a contractual relationship between M/s Nice Infotech and M/s Ador Powertron Limited, Pune of which the applicant is an employee of such company in the capacity of Leader-Customer Advocacy. There appears to be some dispute between the parties named hereinabove as regard maintenance of Variable Messaging Signs which were put up in multiple locations visible through sign boards.

5. It is the applicant's company which is maintaining the functioning of such Variable Messaging Signs. However, a dispute regarding payment for which the complainant's company is to make to the applicant's company, therefore, on some vague allegation, the applicant's company was alleged to have been the cause of such theft. Though nothing specific is known, this is in the realm of speculation as far as the applicant is concerned, submits the learned counsel.

6. However, the learned counsel has further submitted that since the said notice under Section 35(3) BNSS has been issued, there is however, apprehension for his arrest in the near future for which this Court is accordingly petitioned for grant of pre-arrest bail with any conditions that is deemed fit and proper.

7. It is, however, the submission of the learned counsel that the applicant is a permanent resident of Pune with no criminal antecedents and if enlarged on bail, he is willing to abide by any conditions to be imposed by this Court and will cooperate with the investigation of the case.

8. Mr. S. Sengupta, learned Addl. P.P has submitted that prima facie, the case of the applicant appears to be genuine inasmuch as the said notice



under Section 35(3) BNSS being issued, the applicant failing to respond to the same, there is every possibility that the IO would follow up with an appropriate order, even to the extent that an order for arrest of the applicant may be made by the competent authority. Mr. S. Sengupta has however, left the matter to the discretion of the Court as far as this application is concerned.

9. This Court has considered the submission and contention made by the parties. Facts as stated may not be reiterated. Suffice it to say that prima facie, there appears to be an allegation of theft of the properties of the complainant's company.

10. Nothing is forthcoming as far as the investigation is concerned as to who is or are the likely suspects in this regard. That the notice under Section 35(3) of the BNSS has been issued upon the applicant may, to a certain extent indicate that he is one of the suspects. Be that as it may, the full picture of the case or the progress of the investigation is not presented before this Court today. However, it would appear from the materials on record and submission made that the applicant has indeed made out a case for apprehension of arrest.

11. As far as consideration of grant of pre-arrest bail is concerned, this Court has been guided by precedents as well as the authorities mostly of the Hon'ble Supreme Court in this area. It may not be out of place to refer to the case of Shri. Gurbaksh Singh Sibbia & Ors. v. State of Punjab, reported in (1980) 2 SCC 565 at para 35 wherein the Hon'ble Supreme Court has clearly indicated that apprehension of fear of arrest cannot be mere fear but has to be based on "reasons to believe" which is not mere apprehension, but must be found on reasonable grounds.



12. In this case, this Court would agree that the learned counsel for the applicant considering the relationship between the applicant's company and the complainant's company, that element of apprehension based on reasonable grounds is present as far as the allegation made in the FIR is concerned.

13. It is also true that this Court while considering prayer of this nature is guided by parameters and guidelines found in authorities issued by the Hon'ble Supreme Court from time to time. Nature and gravity of the offence and such similar consideration is to be looked into while granting or refusing prayer made in that respect.

14. Again, the case of *Siddharam Satlingappa Mhetre v. State of Maharashtra & Ors.* found in (2011) 1 SCC 694 at para 112 are some of the parameters laid down by the Hon'ble Supreme Court which are reproduced herein below:

“112. The following factors and parameters can be taken into consideration while dealing with the anticipatory bail:

- (i) The nature and gravity of the accusation and the exact role of the accused must be properly comprehended before arrest is made;
- (ii) The antecedents of the applicant including the fact as to whether the accused has previously undergone imprisonment on conviction by a court in respect of any cognizable offence;
- (iii) The possibility of the applicant to flee from justice;
- (iv) The possibility of the accused's likelihood to repeat similar or other offences;
- (v) Where the accusations have been made only with the object of injuring or humiliating the applicant by arresting him or her.



(vi) Impact of grant of anticipatory bail particularly in cases of large magnitude affecting a very large number of people.

(vii) The courts must evaluate the entire available material against the accused very carefully. The court must also clearly comprehend the exact role of the accused in the case. The cases in which accused is implicated with the help of Sections 34 and 149 of the Penal Code, 1860 the court should consider with even greater care and caution because over implication in the cases is a matter of common knowledge and concern;

(viii) While considering the prayer for grant of anticipatory bail, a balance has to be struck between two factors, namely, no prejudice should be caused to the free, fair and full investigation and there should be prevention of harassment, humiliation and unjustified detention of the accused;

(ix) The court to consider reasonable apprehension of tampering of the witness or apprehension of threat to the complainant;

(x) Frivolity in prosecution should always be considered and it is only the element of genuineness that shall have to be considered in the matter of grant of bail and in the event of there being some doubt as to the genuineness of the prosecution, in the normal course of events, the accused is entitled to an order of bail.”

15. In view of the observations made hereinabove, this application is accordingly allowed. The applicant in the event of his arrest is to be released on bail on the following conditions that:

- 1) He shall not abscond or tamper with the evidence and witnesses;
- 2) He shall cooperate with the IO as and when required;
- 3) He shall not leave the jurisdiction of India during pendency of



investigation or trial without prior permission from the concerned IO or the court, if it comes to that;

- 4) He shall bind himself on a personal bond of ₹ 50,000/- (Rupees Fifty Thousand) only with one surety of like amount to the satisfaction of the competent court of jurisdiction.

16. With the above, this application is disposed of.

Judge