

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

**ANTICIPATORY BAIL APPLICATION NO.425 OF 2015
WITH
CRIMINAL APPLICATION NO.320 OF 2015**

Prashant Sharad Bhuse

... Applicant

Vs.

The State of Maharashtra

... Respondent

Mr.Kuldeep Nikam i/b S.S. Chaudhari for the Applicant

Mr.D.P. Adsule, APP, for Respondent – State

Mr.K.S. Patil for Intervener in APPP/320/2015

CORAM: **MRS.MRIDULA BHATKAR, J.**

DATE: **APRIL 8, 2015**

P.C.:

1. The application is moved for anticipatory bail as the applicant/accused is facing charges under sections 409 and 420 of the Indian Penal Code in relation to C.R. No.65 of 2015 registered with the Baramati City police station. It is the case of the prosecution that the applicant/accused was working as a Sales Coordinator in Baramati Agro Limited, Pimpri. The company manufactures and sells poultry products and cattle feed. The supply of cattle feed and poultry products is made systematically in a particular manner in the company. The orders are taken by some other employee. The goods are weighed and thereafter is filled up and again weighed. Then the gate pass and challans are given.

After checking of this pass, the watchman releases the vehicle carrying the goods. Different codes are given for different godowns and according to these codes, the computer system is operated and entries are taken. The applicant/accused alongwith co-accused Sandhya Nimane used to operate SAP system and used to place the order and thereafter on verifying the details of the orders, the goods were supplied by the company. It was found that during the period from 18.2.2012 to 29.1.2013 i.e., nearly for one year, the applicant/accused alongwith the co-accused, used their own user ID, attended to the orders of the customers and showed the price at Rs.00 and accordingly, handed over the delivery challans. The applicant/accused in connivance with the co-accused has deliberately conspired and have allowed the goods to go out with the price of Rs.00 and thus, misappropriated and cheated the company to the tune of Rs.36,58,069.89 and, therefore, the offence is lodged against them.

2. The learned Counsel for the applicant/accused has submitted that the applicant/accused is innocent. It is the fault in the system that he gave the price as Rs.00 and that the SAP system works in a particular manner and the applicant/accused is innocent. He has not played any role in the alleged offence. A query was raised by the Court on information given by the prosecution that if the applicant/accused is getting a salary of Rs.7,000/- per month, then how in his accounts huge amounts were

deposited during that short period. To meet this query, the learned Counsel for the applicant/accused has filed an affidavit.

3. The learned Prosecutor and the learned Counsel for the complainant opposed the application. The bank account and the entries of huge amounts credited in the account of the applicant/accused are relied upon. The statements of the witnesses are produced, especially in the manner in which the offence is committed.

4. On perusal of the statements, the FIR and the documents produced by the prosecution, the role of the applicant/accused, prima facie, is seen. In my view, the custody of the applicant/accused is required to unearth the offence. Therefore, the Anticipatory Bail Application is rejected.

5. Intervention application also stands disposed of.

(MRS.MRIDULA BHATKAR, J.)