

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (ABA) NO.47/2015

Parag Pradeep Nagpurkar..vs..State of Maharashtra, thr. PSO P.S.Wadi, Dist. Nagpur.

AND

CRIMINAL APPLICATION (ABA) NO.55/2015

Ajeya Shridhar Joshi..vs. The State of Maharashtra through PSO P. S. Wadi, Nagpur.

AND

CRIMINAL APPLICATION (ABA) NO.99/2015

Aniruddha Ramkrushna Gharpure..vs..State of Maharashtra, thr.PSO P.S.Wadi

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

A.B.A.No.47/2015

Mr. A. S. Mardikar, Senior Advocate for applicant
Mr. P V. Bhoyar, A.P.P. for for non applicant-State.
Mr. S. D. Dewani, Advocate for intervenor.

A.B.A.No.55/2015

Mr. R. K. Tiwari, Advocate for applicant.
Mr. P V. Bhoyar, A.P.P. for for non applicant-State.
Mr. S. D. Dewani, Advocate for intervenor.

A.B.A.No.99/2015

Mr. R. E. Moharir, Advocate for applicant.
Mr. P V. Bhoyar, A.P.P. for for non applicant-State.
Mr. S. D. Dewani, Advocate for intervenor.

CORAM : A.B. CHAUDHARI, J.

DATE : JULY 22, 2015.

These are the applications for grant of
anticipatory bail in Crime No.257/2014 registered with

Police Station, Wadi, Dist. Nagpur under Section 408, 420 read with Section 34 of the Indian Penal Code.

Applicant-Parag Nagpurkar in Criminal Application No.47/2015 was Business Officer, applicant-Ajeya Joshi in Criminal Application No.55/2015 was Accountant while applicant-Aniruddha Gharpure in Criminal Application No.99/2015 was business Manager of the Kurl-On International Ltd.

The annual audit of the company had taken place in 2014 and it was found that there was loss of goods worth Rs.53,67,407/- belonging to the Company and, therefore, the FIR was lodged with Police Station, Wadi. Investigation started. Police has recorded statements of various witnesses. Learned A.P.P. produced before me the investigation case diary along with many statements and I have gone through the entire investigation report presented before me.

In support of the application, learned counsel for the applicants vehemently argued that they are not responsible for any loss allegedly caused to the Company and on the contrary, the orders were placed, goods were received and sold in the market in accordance with the guidelines and directions from the company and as and when the orders were received by Nagpur office held by them. There is no element of cheating, fraud or forgery as alleged by the prosecution and all the applicants in these applications are innocent. In fact, the company had lodged

claim with the insurance company about the loss of goods and having found that they were unable to claim insurance from the company, the FIR was lodged against the applicants out of frustration.

Though the learned counsel for the applicants raised some other contentions about they not being in the company after relevant period, in order to deal with the applications for anticipatory bail, in my opinion, since the investigation is in progress, no consideration, therefore, could be made at this stage.

I have perused the statements of various witnesses recorded by police during investigation and I clearly find in respect of these applicants that some or other important role has been played by applicants in removing the goods by selling them to somebody else by giving fake orders to the company from Nagpur office under their control. Not only that, the statements show that the applicants on their own had, for receiving such ordered goods from the company, engaged some godowns for storing the goods which they wanted to dispose of for their wrongful gain. Perusal of the case diary, to my mind, shows that the investigation is at crucial stage and in order to know where the goods were sold by them and deposit of proceeds of sale etc. I think custody of the applicants for interrogation would be essential. No case is made out by the applicant for grant of anticipatory bail. Hence, following order is passed.

ORDER

(i) Criminal Application Nos.47/2015, 55/2015 and 99/2015 are rejected.

JUDGE

At this stage, learned counsel for the applicants, prays for extension of interim protection granted by this court for further 15 days.

The request is vehemently opposed by learned counsel for the intervenors.

The request made by learned counsel for the applicants is granted. The interim protection granted by this Court is extended by further period of 15 days.

JUDGE