

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 4137 OF 2016

Abhijit S/o Arunrao Kulkarni,
Age : 43 years, Occu.: Business,
R/o Plot No. 35,
Vinayak Housing Society,
N-8, CIDCO, Aurangabad .. Applicant

Vs.

The State of Maharashtra,
Through In-Charge Officer,
MIDC CIDCO Police Station,
Aurangabad .. Respondent

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Mr. R.S. Deshmukh, Advocate for the applicant
Ms. R.P. Gour, APP for the respondent-State
Mr. A.S. Shejwal, Advocate to assist APP

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CORAM : N.W. SAMBRE, J.
DATE : 05/08/2016

ORAL ORDER :

Heard.

2. The applicant is seeking bail in Crime no.207 of 2016 registered at M.I.D.C. CIDCO Police Station, Dist. Aurangabad for the offences punishable under section 406, 408, 420 r/w. 34 of the Indian Penal Code.

3. The applicant came to be arrested on 14/6/2016.

4. Shri Deshmukh, learned counsel for the applicant submits that the applicant was subjected to custodial interrogation upto 19th June, 2016 and since 20th June, 2016, he is under Magisterial Custody Remand. He would then urge that the investigation qua the role attributed to the applicant being proprietor of Renuka Enterprises is investigated into in detail and as such the further detention of the applicant will be of hardly any consequence. He would then urge that the entire investigation is based on documentary evidence and the amount mismanaged or misappropriated, is reflected in the accounts and as such, the further detention of the applicant is not necessary.

5. Learned A.P.P., who is assisted by learned counsel for the complainant, opposed the

Application, on the ground that the firm of the applicant Renuka Enterprises was originally dealing with medical products and it is only with an intention to commit fraud, a diversified business has been taken recourse to that is sale of sheets, which were manufactured by the complainant. She would point out the letters and messages from the investigation papers to demonstrate *prima facie* involvement of the applicant in the crime in question.

6. Having bestowed thoughts to the submissions made and having regard to the fact that the applicant volunteered to deposit an amount of Rs.5,00,000/- (Rs. Five Lakh) in this Court within a period of six (6) weeks from today and as such, the custodial interrogation of the applicant is over, the applicant, in my opinion, is entitled to be released on regular bail.

7. Apart from above, it is to be noted that

offences registered under the crime are compoundable offences and there are no criminal antecedents for similar type of role played by the applicant in any other crime. In view thereof, the Application stands allowed.

8. The applicant to honour the undertaking of deposit of Rs.5,00,000/- (Rs. Five Lakh) in this Court within a period of six (6) weeks from today, failing which the Bail Application of the applicant will be treated as dismissed, as the applicant has failed to honour the undertaking given to this Court and the applicant will forthwith surrender to his bail bonds.

9. The applicant be released on bail in Crime no.207 of 2016 registered at M.I.D.C. CIDCO Police Station, Dist. Aurangabad for the offences punishable under section 406, 408, 420 r/w. 34 of the Indian Penal Code, upon his executing P.R. bond in the sum of Rs.15,000/- (Rs. Fifteen Thousand)

with one surety in the like amount.

10. The applicant shall co-operate into the further investigation in the matter, if is called by the Investigating Officer.

11. The applicant shall not tamper with the prosecution evidence or influence the witnesses in any manner.

12. Criminal Application stands disposed of accordingly.

[N.W. SAMBRE]
JUDGE

arp/-