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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.277 OF 2016
WITH
CRIMINAL APPLICATION NO.168 OF 2016
IN
ANTICIPATORY BAIL APPLICATION NO.277 OF 2016

Vishal Narayan Mahajan	 Applicant
V/s.	
The State of Maharashtra	 Respondent
and	
Sandip Walke	 Intervener.

Mr. Saurabh Bhutala, a/w Mr. Anwar Landge, h/f
Harshad Bhadbhade, for the Applicant.
Mrs. R. M. Gadhi, APP for the Respondent State.
Mr. Rameshwar Gite, for the intervener.

CORAM : A. M. BADAR, J.

DATE : 30th JUNE, 2016.

P.C. :

1. The applicant/accused, in C.R. No.7 of 2016, for offence punishable under Section 406 of the Indian Penal Code, registered at the instance of Sandip Sudam Walke, on 4.1.2016 with police Station Suburb Nashik, is seeking anticipatory bail.
2. Heard the learned counsel for the applicant. He argued that on the identical report filed by another Director of the company, he has

been granted anticipatory bail, by the learned Additional Sessions Judge, Nashik. The allegations in the F.I.R. are in ad-verbatim same. The learned counsel further argued that applicant had already resigned from the employment of the informant and his resignation was accepted. The applicant had invented wine making formulas and his employer was insisting the applicant to disclose the same and on his failure to do so, false report is given. Therefore, applicant even lodged complaint to police station and subsequently F.I.R. in question is registered. He argued that search of the house of relatives of the applicant has already been taken by police.

3. The learned APP opposed the application by contending that one T.P. file and one register of State Excise Department is required to be recovered and the present applicant has criminal antecedents.

4. I have also heard the learned counsel for informant. He argued that certificate of experience and relieving letter dated 4.9.2015 is forged document though it bears signature of the informant. He further argued that excise files are to be recovered and release of applicant would cause irreparable loss to the informant.

5. Perused the papers made available including F.I.R. in question. It is seen from F.I.R. that applicant was serving as Wine Maker with Seven Peaks Winery Pvt. Ltd. It is the case of prosecution that from

1.10.2015, the applicant left the employment of Seven Peaks Pvt. Ltd. without disclosing to anybody and while leaving job, he carried some files and registered.

6. Alongwith application, applicant has placed on record experience and relieving letter dated 4.9.2015, wherein present informant certified that he has received resignation letter dated 30.8.2015 from applicant and that resignation of the applicant has been accepted and he will be relieved from service w.e.f.. 30.09.2015. Prima facie, therefore, It appears from the averments in the F.I.R. that present applicant has left job without any notice to the employer w.e.f. 1.10.2015 are incorrect. Absurd argument that the Director of the company had handed over duly signed blank letter heads of the company to the applicant does not stand to reason.

7. In the backdrop of these facts, letter dated 23.10.2015 of the present applicant assumes importance. He has already apprehended that he may be involved in some false case by his employer and accordingly he has intimated this fact to police vide this letter. This letter reflects that the employer of the applicant was pressurizing him to disclose the wine making formulas invented by him.

8. It is not the case of informant that he had patented the formula i.e. the one which is stolen by present applicant. The Excise

Department does not appear to have made any grievance against applicant for carrying their files by the present applicant.

9. In similar report lodged by another Director of the same company, the applicant has already been granted anticipatory bail. In this view of the matter, the possibility of false implication of present applicant cannot be ruled out. The alleged criminal antecedent is of no consequence in such matter. Therefore, the following order.

Order

- I) The application is allowed.
 - II) The order dated 12.2.2016 is confirmed on the same terms and conditions and so far clause No.1 of the said order is concerned.
 - III) In addition, the applicant shall not, directly or indirectly, make any inducement, threat or promise to any persons acquainted with the facts of the case so as to dissuade them from disclosing such facts either to the Court or to any police officer.
 - IV) The applicant shall attend the concerned police station on 17.07.2016 in between 11.00 a.m. to 1.00 p.m., and shall co-operate the Investigating officer.
 - V) The applicant shall not tamper with the prosecution evidence in any manner.
10. In view of disposal of main application itself, all other applications if any, are disposed of.

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[A. M. BADAR, J.]