

Anand

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO.506 OF 2016

1. Rajeev Gulabrao Jagtap .Applicants
2. Sanjeev Gulabrao Jagtap
3. Sunita Rajeev Jagtap
4. Vaishali Sanjeev Jagtap
5. Sureshwar Laxman Takawale
6. Kumud Sureshwar Takawale

Vs.

The State of Maharashtra .Respondent

Mr.V.V.Purwant, Advocate, for the Applicants
Mr.D.P.Adsule, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 18.03.2016

P.C.

. Heard learned counsel for the Applicants
and the learned APP for the Respondent – State.

2. By this Application, the Applicants seek pre-arrest bail in connection with C.R.No.39 of 2016 registered with the Sahakarnagar Police Station, District – Pune, for the alleged offences punishable under Sections 409, 420 r/w.34 of the

Indian Penal Code.

3. The Applicant No.1 is the President of the Abhinav Education Society; Applicant No.2 is the Vice President; Applicant No.3 is the Secretary and Applicant Nos.4 to 6 are the members of the institution and the trustees.

4. On 09.02.2016, 15.02.2016 & 24.02.2016, the members of the squad of the Employees Provident Fund Organization, visited the campus of the establishment of M/s. Abhinav Education Society at Ambegaon. On a perusal of the record of the institution, the enforcement officers of the E.P.F. Organization issued a visit report and observed that the institution had not remitted an amount of Rs.4,86,99,273/- towards the provident fund, pension fund, E.D.L.I. Constitution and admission charges of provident fund and insurance fund. It is stated that though the said contributions were

deducted from the salaries of the employees, however, the same was not deposited in the employees provident fund, from the period 2010-11 to 2015-16. Accordingly, the enforcement officers asked the establishment to remit the said outstanding amount forthwith i.e. by the next date i.e. 25.02.2016. The institution was informed, that if they failed to deposit the said amount on 25.02.2016, a complaint will be lodged as against the establishment/institution. As the Applicants failed to deposit the said amount, the aforesaid C.R. was lodged.

5. Learned counsel for the Applicants at the outset, makes a statement that the Applicants are ready and willing to deposit the entire outstanding amount, as disclosed by the enforcement officers of the E.P.F.Organization. However, the Applicants have sought time of four months to deposit the same. He submits that the Applicants although have

not received the said amounts, from the Director of Technical Education & Department of Social Welfare, still they are ready to deposit the said amount, within four months from today. Learned counsel for the Applicants makes the aforesaid statement on the instructions and in the presence of the Applicant No.2, who is present in Court on behalf of all the Applicants. Learned counsel for the Applicants submit that, in fact the Applicant No.2, has even clarified in writing, to the Complainant, that the Applicants are ready and willing to deposit the entire outstanding amount, but sought 4 months time to deposit the same. The Applicants have reiterated the said fact, that they are ready and willing to deposit the outstanding amount, but require time of four months to deposit the same even in the present Application. It also appears that a similar statement, was made before the learned Sessions Judge and the same is recorded in the Application filed before the learned Sessions

Judge.

6. In view of the statement made by the learned counsel for the Applicants, without going into the merits of the case, the Applicants are granted anticipatory bail on the following terms & conditions.

ORDER

(i) In the event of the arrest, the applicants be enlarged on bail on furnishing P.R. Bond in the sum of Rs.15,000/- with one or two sureties in the like amount;

(ii) The applicants shall report to the investigating officer of the Sahakarnagar Police Station, District – Pune on the 1st & 3rd Saturday of every month between 10.00 a.m. and 11.00 a.m. for a period of four months from today;

(iii) The applicants shall not tamper or attempt to influence the complainant, witnesses or any person concerned with the case;

(iv) The applicants shall inform their latest place of residence and mobile contact number immediately and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station.

7. The Application is allowed in the aforesaid terms and is accordingly disposed of.

8. It is made clear, that the observations made herein, are *prima facie*, and are confined to this application and the learned Judge to decide the case on its own merits, uninfluenced by the observations made herein.

9. The aforesaid Application to be placed on **18.07.2016** for recording compliance under the caption "**For directions**".

Parties to act on the authenticated copy of
this order.

(REVATI MOHITE DERE, J.)