

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 752 OF 2017**

Kishor Kashinath Thakur	...Applicant
Versus	
State of Maharashtra	...Respondent

Mr. Kuldeep S. Patil for the Applicant

Ms. Anamika Malhotra, A.P.P for the Respondent-State

CORAM : REVATI MOHITE DERE, J.
WEDNESDAY, 14th JUNE, 2017

P.C.

1. Heard learned Counsel for the applicant.

2. By this application, the applicant seeks pre-arrest bail in connection with C.R. No. 107 of 2016 registered with the Nhavasheva Police Station, Navi Mumbai, for the alleged offences punishable under Sections 420, 465, 467, 471, 511 r/w 34 of the Indian Penal Code.

3. The complainant is Manpreet Harbhajan Singh. According to the complainant, he was working as an Operation Officer in I.O.T.L. and was assigned the duty of keeping a check on the paper work relating to tankers carrying petrol, diesel, kerosene, etc. It is alleged by the complainant that on 2nd December, 2016 at about 9:30 p.m, Santosh Singh,

the driver of a tanker bearing No. MH-04-CJ-2666, came to the complainant along with a filling slip. It is alleged that the complainant checked the filling advice note. He saw that it was written in the said note to fill around 20,000 litres of diesel from Bay No. 5 in the Company. As Bay No. 5 was not vacant, the complainant asked diesel to be filled from Bay No. 6. As the complainant felt that there was something amiss and was suspicious about the measurement of the diesel, he asked the driver to show the calibration chart. The driver Santosh Singh replied that he had no such chart. It is further alleged that when Nitinkumar Sahu, a colleague of the complainant, checked the papers, he realised that there was no tanker, which was registered in the system of the company and that the filling advice note which was submitted by Santosh Singh-the driver of the truck, was fake. The complainant has alleged that he learnt, that the Officer of the SND Company, Nirav Mago, Terminal In-charge Officer-Gorachandra Sameer Mukherjee, Raju Devraju Chittiprolu, the driver Santosh Singh and the present applicant were involved in the fake filling advice note. It is alleged that the said persons had committed fraud on the Company.

4. Learned Counsel for the applicant states that pending this application, charge-sheet has been filed in the Court of the learned Judicial Magistrate First Class. He further submits that no diesel was parted with by the Company. He further submits that the allegations are general in nature and that admittedly, the applicant was not present at the spot at the time of the incident.

5. Learned A.P.P does not dispute the fact that charge-sheet is filed. She also does not dispute the fact that the applicant was not present at the spot at the time of the incident. Admittedly, diesel was not filled in the tanker. The applicant has no antecedents.

6. Considering the aforesaid, the custodial interrogation of the applicant is not necessary. Accordingly, the application is allowed and the applicant is granted pre-arrest bail on the following terms and conditions :

ORDER

(i) In the event of the arrest, the applicant be enlarged on bail on executing P.R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount ;

(ii) The applicant shall not attempt to contact or influence the complainant, witnesses or any person concerned with the case;

(iii) The applicant shall inform his latest place of residence and mobile contact number 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;

(iv) The applicant to cooperate with the conduct of the trial.

7. The application is accordingly disposed of.

8. It is made clear that the observations made herein are *prima facie*, for the purpose of deciding this application.

9. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.