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SR.1(ABA-1848-2017)
Wednesday-18.10.2017

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 1848 OF 2017

Nitin Sahebrao Patil and 2 Ors.

....Applicants

V/s.

State of Maharashtra

....Respondent

* * * * *

Mr. Ajinkya Badar, Advocate for the applicant.

Mr. Prashant S. Hagare, Advocate for the original complainant.

Ms. P.P. Shinde, APP for respondent, State.

Ms. S.R. Gaud, PI Baramati Taluka Police Station present.

**CORAM :- SANDEEP K. SHINDE, J.
(VACATION JUDGE)**

DATE :- 18TH OCTOBER, 2017.

P.C. :-

1. The applicants are apprehending arrest in Crime No. 490 of 2017 registered with the Pune Gramin Police Station under Section 409 read with Section 34 of

the Indian Penal Code. The Learned Additional Sessions Judge vide order dated 10th October, 2017 refused to grant interim protection and hence the application.

2. Heard Learned Counsel for the applicants and Learned APP for the State.

3. Perused the FIR dated 2nd October, 2017. Prima-facie it appears that there is a dispute between the partners i.e. the complainant and applicant no.1 herein alleging misappropriation of the property of the firm by the applicant no.1 with the active help of applicants no.2 and 3 in the year 2015. It appears that, in the year 2016, a retirement-cum-admission deed was executed and in terms of para-8 of the retirement deed, the Accounts of the firm were settled. The execution of the admission-cum-retirement deed between the complainant and the applicant no.1 is not in dispute. The concept of "entrustment" of property can't be pressed into when dispute is between partners inter-se vis-a-vis firms property. More so, when accounts were settled in 2016 but complaint was filed in 2017. Considering the facts of

the case, I am inclined to grant them interim protection during the pendency of the application. Hence, the following order :-

(i) In the event of arrest of the applicants in FIR No.I-490 of 2017 registered with Pune Gramin Police Station, applicants are directed to be released on bail on executing PR Bond of Rs. 25,000/- each (Rs. Twenty Five Thousand only) with one/two sureties in the like amount.

(ii) Applicants shall not tamper with the evidence or threaten the prosecution witnesses and co-operate with the Investigation Officer in all respect.

(iii). The applicants shall remain present before the Sessions Court on 30th October, 2017, a date on which the Learned Sessions Court may hear the application or may hear on such a other date; however the application shall be disposed off preferably before 30th November, 2017.

(iv). The Application is disposed off accordingly.

4. Parties to act on a copy of this order duly authenticated by the Sheristedar of this Court.

(SANDEEP K. SHINDE, J)

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