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

ANTICIPATORY BAIL APPLICATION NO. 108 OF 2018

Arvind Laxman Tapase

... Applicant

V/s.

The State of Maharashtra .

... Respondent

Mr. S.K. Dube i/b P.V. Dubey for applicant.
Ms. A.A. Takalkar, APP for State.

CORAM : A.S.GADKARI, J.

DATE : 25th JANUARY 2018.

P.C.:

1] The applicant is apprehending arrest in CR No.I-5 of 2018 dated 7.1.2018 registered with Wagale Estate Police Station, Thane under Section 409 of the Indian Penal Code.

2] Heard the learned Counsel for the applicant and the learned APP. Perused the record.

3] The prosecution case in nutshell is that, the applicant while working as a District Manager with Maharashtra State Seeds Corporation Ltd. during the financial years 2014-2015 and 2015-2016 defalcated a sum

of Rs.14,90,589/- and therefore has committed an offence as contemplated under Section 409 of Indian Penal Code. After lodgment of the First Information Report, the applicant preferred Anticipatory Bail Application bearing No.103 of 2018 before the Sessions Court at Thane. That the applicant also preferred an Interim Application therein. That the learned Additional Sessions Judge, Thane by its impugned Order dated 11.1.2018 issued a notice to the respondent, however, did not grant interim relief to the applicant. The said Order is impugned in the present application for interim relief in favour of the applicant.

4] During the course of hearing of the present application, the learned Counsel for the applicant on instructions submitted that, with a view to prove his bonafide and without prejudice to his rights and contention, the applicant is ready and willing to deposit the said amount of Rs.14,90,000/- in the Registry of the Sessions Court, Thane. He on instructions submitted that the said amount will be deposited in the said Court on or before 31st January 2018. The said statement is accepted.

5] It is submitted that the main A.B.A. No.103 of 2018 is scheduled for hearing before the Trial Court on 5.2.2018. The learned Counsel for the applicant submitted that during the pendency of the said application before

the Sessions Court, at Thane, the applicant may be granted interim relief.

In view of the above, the applicant is granted interim relief.

Hence, the following Order:

(i) In the event of arrest in CR No. I-5 of 2018 registered with Wagale Police Station, Thane the applicant shall be released on bail on his furnishing PR bond in the sum of Rs.25,000/- each with one or two solvent local sureties in the like amount.

(ii) Applicant shall not tamper with the evidence and/or influence the prosecution witnesses.

6] The aforesaid interim relief granted to the applicant shall remain in force till disposal of the A.B.A. No.103 of 2018 pending on the file of Sessions Court at Thane.

7] It is made clear that, if the applicant fails to deposit Rs.14,90,000/- as stated hereinabove in the Registry of the Sessions Court, at Thane on or before 31st January 2018, interim relief granted by this Court today shall stand vacated without further reference to this Court.

8] The Trial Court shall not get influenced by the interim relief granted by this Court and shall decide the main application on its own merits.

9] Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)