

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

ANTICIPATORY BAIL APPLICATION NO.525 OF 2018

Mr.Nilesh Pandharinath Patole	... Applicant
V/s	
The State of Maharashtra	... Respondent

**WITH
CRIMINAL APPLICATION NO. 651 OF 2018
IN
ANTICIPATORY BAIL APPLICATION NO.525 OF 2018**

Shweta Sachin Pawar	... Applicant (Intervener)
In the matter between:dc	
Mr.Nilesh Pandharinath Patole	... Applicant
V/s	
The State of Maharashtra	... Respondent

Ms.Anita W. Dhumal for the Applicant.
Mr.Lakshyaved Odhekar for Intervener.
Mr.S.R.Agarkar, APP for the State/ Respondent.
Mr.Y.O.Ubale, PSI, Panchavati Police Station, Nasik City present.

**CORAM : SMT.SADHANA S. JADHAV, J.
DATE : JUNE 06, 2018.**

P.C. :

1. Heard.
2. This is an application under Section 438 of Cr.P.C. The applicant herein is apprehending his arrest in Crime No.I 23 of

2018 registered at Panchavati Police station on 19th January 2018, for the offence punishable under Sections 420, 408 of IPC.

3. It is the case of the prosecution that on 19th January 2018, Shweta Sachin Pawar lodged a report at the police station alleging therein she was involved in trading in agriculture material and was running a shop in the name of Haritpane Agro Organics Ltd. The present applicant was working with Haritpane Agro. He was working as a Marketing Agent. It was his duty to collect the money from the consumers and deposit the same with the complainant. During the period 2015 to 2016 he had supplied the goods to several shops, but had not remitted the said amount with Haritpane Agro. Upon inquiry by the complainant, he had informed that he has used the said amount to the tune of Rs.14,65,595/- for his personal purpose and that he would pay the same in installments. Thereafter, he had evaded to make the payment. Upon inquiry, it was noticed that he had collected the money from 15 to 16 shops and had not remitted the money to the complainant/company. Hence, she was constrained to approach the police and lodge a report. It is the case of the applicant that infact he was the employee of Microbax India

limited and he was working as a Sales Executive. It is submitted that he is not concerned with the agency of the complainant. In the course of arguments learned counsel for the applicant submits that he used to collect the amount from various agencies and deposit the same with the complainant's company and make entry to that effect in the register. It is a matter of record that in the course of investigation it is revealed that his employee who had collected money from several agencies and shops and had deposited all these amount in the personal account of the present applicant and not with Haritpane Agro. The applicant infact is taking an inconsistent stand that on one hand it is his claim that he is working in Microbax India and not Haritpane Agro and secondly, making entries in the register whenever he made payment to Haritpane Agro. The investigating agency has collected material in the form of bank extract which show that the amounts were regularly deposited in the personal account of the applicant. In view of this, no case for pre-arrest bail is made out. The interim relief granted vide order dated 19th March 2018, stands vacated. The application being sans merits, stands rejected. Intervention application is heard, allowed and disposed of. In the eventuality,

the applicant approaches the court under Section 439 of Cr.P.C., the same shall be considered on its own merits without being influenced by the fact that the present application under Section 438 of Cr.P.C. is rejected.

(SMT.SADHANA S.JADHAV, J.)