

910- 2797 of 2017

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

BAIL APPLICATION No. 2797 OF 2017

Kunal Kantilal Jain

...Applicant

Vs.

The State of Maharashtra

...Respondent

Mr. Niranjan Mundargi a/w. Mr. Sunny Punamiya i/b. SSP Legal for Applicant
Mr. Siddharth Kapre a/w. Mr. Vilas Jadhav for Intervenor
Mr. S.R. Agarkar -APP
Mr. Bhalerao, Havildar, Shivaji Nagar Police Station, Pune.

CORAM : SMT. SADHANA S. JADHAV, J.

DATE: JULY 26, 2018

P.C.

1. Heard. This is an application under section 439 of the Criminal Procedure Code.
2. The Applicant herein is arrested on 12th June, 2017 in Crime No. 169 of 2017 registered with Shivaji Nagar Police Station, Pune for offences punishable under Section 420, 408, 467 of the Indian Penal Code.
3. It the case of prosecution that the Applicant was working as an Executive Accountant in the company Rohan Builders Private Limited. On 22nd of May,

2017, the General Manager has filed a report against the present Applicant alleging therein that he had misappropriated huge amounts from the company. On the basis of the report, an offence was registered.

4. It appears that principally the offence is under section 420 of the Indian Penal Code. The said offence is a compoundable offence. The material against the Applicant as far as the offence punishable under section 408 and 467 of the IPC is concerned, the same can be proved at the time of trial by adducing substantial evidence.

5. As on today, the original complainant Yogesh Phale has filed an affidavit before this Court, contending therein that the substantial amount i.e. almost about Rs.69,00,000/- is repaid in the account of the company and that the Applicant would not shirk from his responsibility any further. The complainant has submitted that taking into consideration the relation between the company and the old aged parents of the Applicant, the complainant has agreed to receive the amount and hence, the amount has been received. An affidavit is taken on record and marked 'Article X' for the purpose of identification.

6. In view of the aforesaid observations, the Applicant deserves enlarged on bail. The grant of bail would not absolve the Applicant of the offences that are alleged.

7. The observations are prima facie in nature and shall not taken into consideration for discharge application or at the time of trial. Hence, the following order.

Order

- (i) Application is allowed.
- (ii) Applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.50,000/- and one or more solvent sureties in the like amount.
- (iii) Within three weeks from the date of release, the Applicant shall appear before the investigating agency and shall give his details about the address and cell number etc to the investigation agency and shall co-operate with them.
- (iv) The Applicant shall also give an undertaking that he shall attend each and every date of trial. Upon failure to attend any two consecutive dates, prosecution is at liberty to file an application under section 437 of Cr.P.C.

Application stands disposed of in the aforesaid terms.

[SMT. SADHANA S. JADHAV, J.]