

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

ANTICIPATORY BAIL APPLICATION NO.1708 OF 2019

Siddhesh Suryakant Ghadashi

.... Applicant

versus

The State of Maharashtra

.... Respondent

.....

- Mr. Laxman S. Deshmukh, Advocate for Applicant.
- Mr. S. H. Yadav, APP for the State/Respondent.
- Mr. S. M. Varale, API, Ratnagiri City Police Station, present.

**CORAM : SARANG V. KOTWAL, J.
DATE : 2nd AUGUST, 2019**

P.C. :

1. The applicant is seeking anticipatory bail in connection with C.R. No.102/2019 registered at Ratnagiri City Police Station, under section 420 and 406 of IPC. Subsequently, sections 465, 468 and 471 of IPC were also added.

2. The FIR is lodged by one Akshay Salvi. He was working with Reliance Retails Limited at Ratnagiri. The present

applicant was working there as a Sales Associate. It is mentioned in the FIR that the job profile of the present applicant was to maintain the accounts and to deposit the collected cash with the agency. It is mentioned in the FIR that in the month of October 2018 the audit of the accounts was conducted and it was found that there was a shortfall of Rs.6,39,216/-. When the present applicant was questioned about it, he had made representation that he would make that payment. He was giving one excuse or the other and did not pay the amount and therefore, finally the FIR was lodged on 6/3/2019.

3. Heard Mr. Laxman Deshmukh, Ld. Counsel for the Applicant and Mr. S. H. Yadav, Ld. APP for the State.

4. Mr. Deshmukh submitted that besides the present applicant there were four others who were working on the same position. He submitted that it was never his duty to collect cash and deposit it with the agency. His job was only to interact with the customers and to give information about products of the

company. He submitted that the FIR is lodged belatedly and prior to lodging of the FIR the applicant had addressed a letter to the Manager denying his involvement in the alleged offence.

5. As against these submission, Ld. APP submitted that the applicant himself had accepted his involvement. His statement was recorded in the company on 25/10/2018. In that statement he had accepted his liability and his involvement in misappropriation of the amount. Shri. Yadav therefore, submitted that the applicant has committed this offence and his custodial interrogation is necessary.

6. I have perused the statement given by the applicant himself before the officers of the company. Though there is possibility that he was forced to give that statement however the fact remains that the applicant had not lodged his protest before anybody since October 2018. Finally when his services were terminated in the month of February 2019, he has come up with case that his confession was obtained under coercion. His silence

for all these months is a pointer towards his involvement in the offence.

7. The delay in lodging of the FIR is also explained as company was expecting that applicant would make the payment as promised by him and finally when the amount was not paid, the FIR was lodged. In this view of the matter, custodial interrogation of the applicant is necessary to recover the amount and to find out the manner in which the offence was committed. Hence, no case is made out for relief of anticipatory bail. The application is rejected.

(SARANG V. KOTWAL, J.)