

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.2855 OF 2019

Santosh Vanantrao Deshmukh,
R/o.302, Aarav Ambience, A Wing,
Ubadey Nagar, Wagholi, Pune.
(Presently lodged in Jail)

Applicant

versus

The State of Maharashtra

Respondent

Mr.Gautam Tiwari with Ranjit Pawar i/by Probus Legal for applicant.
Mr.H.J.Dedhia, APP for State.

CORAM : PRAKASH D. NAIK, J.

DATE : 10th December 2019

PC :

1. The applicant is seeking bail in CR No.445 of 2019 registered with Yerwada Police Station, Pune for offences u/s.408 and 420 of Indian Penal Code. The applicant was arrested on 20th June 2019. Investigation is completed and charge sheet is filed.

2. The case of the prosecution is that the informant Hemant Vagre was serving as Assistant General Manager (HR) in company named as JAPFA Comfeed India Pvt.Ltd. The head office of the company is at Pune. The salary of the workers used to be distributed from the head office. The applicant was serving as Deputy Manager (HR) of the said company at Pune office. He was looking after the work of payment of salary of the employees. Five employees left the service of company. The audit of the financial transactions of the

company was conducted in June-2019. The applicant was told to provide data and documents for conducting the audit. It was revealed that the applicant had withdrawn salary of Rs.25,18,253/- in the name of employees who had resigned from the company and the said amount was transferred into the account of applicant.

3. Learned counsel for applicant submitted that the applicant has no criminal antecedents. During the course of investigation the investigating agency had recovered Rs.14,22,290/-. Without prejudice to the defence of applicant, the applicant is willing to deposit Rs.33 lakhs which is allegedly the amount involved in this case according to the prosecution.

4. The applicant has executed Affidavit-cum-Undertaking dated 7th December 2019 which was affirmed in jail when he was detained. The said undertaking is standard. The same is taken on record and marked "X" for identification. In the undertaking it is stated that the applicant would deposit Rs.33 lakhs before the Trial Court in three equal instalments as per schedule mentioned therein. The first instalment of Rs.11 lakh is undertaken to be paid on or before six weeks from the date of release on bail. The second instalment of Rs.11 lakh will be paid on or before six weeks from the date of payment of first instalment and third instalment of Rs.11 lakhs will be paid on or before six weeks from the date of payment of second instalment.

5. The Affidavit-cum-undertaking is accepted. Considering the aforesaid circumstances, bail can be granted to the applicant. Hence, I pass following order :

ORDER

- (i) Criminal Bail Application No.2855 of 2019 is allowed and disposed of;
- (ii) The applicant is directed to be released on bail in connection with CR No.445 of 2019 registered with Yerwada Police Station, Pune, on furnishing PR bond in the sum of Rs.25,000/- with one or more sureties in the like amount;
- (iii) The applicant shall report Yerwada Police Station once in a month on every first Saturday between 10 am and 12 noon till conclusion of trial;
- (iv) The applicant shall abide by the undertakings given in Affidavit-cum-Undertaking dated 7th December 2019, and in the event of breach of any of the undertaking given therein, the prosecution will be at liberty to prefer application for cancellation of bail and the applicant would also be liable for being proceeded under Contempt of Courts Act, 1971;
- (v) The applicant shall not tamper with evidence and shall attend the Trial Court proceedings regularly, unless exempted by Trial Court for some reason.

(PRAKASH D. NAIK, J.)

MST