

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 259 OF 2020

Balasaheb Rajabhau Waghmode

...Applicant

Versus

The State of Maharashtra

...Respondent

.....

Mr. Mahadeo A. Choudhari, Advocate for the Applicant.

Mr. M. G. Patil, APP for the State-Respondent.

Mr. Rahul S. Bhadake, Chakan-Mhalunge Police Station, Present.

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CORAM : PRAKASH D. NAIK, J.

DATE : 30th January, 2020

PC :

1. This is an application for anticipatory bail in C.R. No. 1406 of 2019 registered with Chakan Police Station, Pimpri Chinchwad, for offences punishable under Section 407 r/w Section 34 of Indian Penal Code.

2. The case of the prosecution is that from 14th October, 2019 to 15th October, 2019 the applicant was working as store officer with Vedant Metal Products Company, At Chakan. The applicant along with co-accused in furtherance of common intention misappropriated aluminum metal of his company to the tune of Rs. 6,70,000/- The FIR was lodged on 15th November, 2019 by the H.R. Manager of complainant company. On 16th October, 2019, the complainant checked the weight receipts of the goods sent from company and he

noticed difference. Enquiry was made with watchmen and store helper. They informed that on 14th October, 2019 and 15th October, 2019 while the goods were transported out from company to vihan Enterprises, while weighing the goods, the applicant told that the issue receipt of lesser weight. The complainant enquired with person from Surya Electronic weigh bridge as to how receipt regarding goods weighed by their company shows less weight. The complainant was informed that the applicant had instructed in that regard. The store officer also gave same reason. The pickup driver stated that even on earlier occasion on instructions from applicant good were sold to person named Umar Ansari working with Vihan Enterprises.

3. Learned Counsel for the applicant submitted that the applicant is falsely implicated in this case. There were irregularities in company. The officials apprehended that applicant would be whistle blower and to prevent him from bringing the acts of other officers to light the false complaint is filed. The custodial interrogation of the applicant is not necessary. It is submitted that there were discrepancies. Notice in stock Audit report. He relied upon E-mail exchanged between the officials of the company were indicate that some irregularities have been conducted in the company. It was suspected that applicant would complain about the same. Hence he

has been falsely implicated in this case.

4. Learned APP pointed out investigation papers. On perusal of the record it appears that involvement of the applicant is disclosed.

5. Name of the applicant is mentioned in FIR. He was working as a store officer and looking after dispatching the material to the customer. On 16th October, 2019, it was noticed that the receipt of less weightage of material was prepared. Upon enquiry involvement of applicant was revealed. It is also alleged that the applicant had confessed the crime. The investigation conducted by the police, prima facie indicates that involvement of the applicant. According to prosecution misappropriated goods are to be recovered. Hence, no case for grant of anticipatory bail is made out.

ORDER

Anticipatory Bail Application No. 259 of 2020 stands rejected and disposed of accordingly.

(PRAKASH D. NAIK, J.)