

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 1991 OF 2019

Shailesh Baburao MalusareApplicant

v/s.

The State of MaharashtraRespondent

ALONGWITH

INTERIM APPLICATION NO.1 OF 2020
(FOR INTERVENTION)

IN

ANTICIPATORY BAIL APPLICATION NO. 1991 OF 2019

Mrs. Sharmilee Milind Dhumde ...Intervenor

IN THE MATTER BETWEEN :

Shailesh Baburao MalusareApplicant

v/s.

The State of MaharashtraRespondent

Mr. Hrishikesh V.Tambat, Advocate for the
applicant.Mr. Ramesh Tripathi, Advocate for the Intervenor
in IA—1-2020.

Mr. S.H. Yadav, APP for the State.

PSI, Mr. A.R. Kamble, Kharghar Police Station,
Navi Mumbai present.

CORAM : SANDEEP K. SHINDE, J.

Wednesday, 11th March, 2020.

P.C. :

1. The applicant is seeking his pre-arrest bail in connection with Crime No.232/2019 registered with Kharghar Police Station for the offences punishable under Sections 406, 465, 468 read with Section 34 of the Indian Penal Code.
2. Heard the learned Counsel for the applicant, learned APP for the State and learned Counsel for the Intervenor.
3. Perused the complaint.
4. Prima-facie, it appears, the complainant had started a business of trading in onions and other material in partnership with one, Sandeep Malusare and Chandu Shingade and had invested substantial amount in the business. It is her case, her partners misappropriated the funds entrusted by her to them and did not render true and correct accounts.
5. Be that as it may, whether an offence

under Section 406 of the Indian Penal Code is applicable to the facts of the case or not, is not an issue before this Court. However, the fact remains the applicant herein is alleged to have received the goods from Sandeep Malusare without consideration. Thus, in view of the allegations, it appears, this applicant has neither induced and/or persuaded the complainant to invest the amount in the business. Thus, taking into consideration the nature of accusations, case is made out for granting anticipatory bail to the applicant. Hence, the following order :

(i). In the event of arrest of the applicant in C.R. No. No.232/2019 registered with Kharghar Police Station, he shall be released on bail on furnishing P.R. Bond of Rs.25,000/- (Rs.Twenty Five Thousand only) with one or two sureties in the like sum.

(ii) The applicant shall attend the concerned Police Station as and when called.

(iii) The applicant shall furnish the particulars of his place of residence and contact details to the Investigating Officer of the Police Station concerned within seven days from today.

(iv) The applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.

6. It is made clear that observations made hereinabove shall be construed as expression of opinion only for the purpose of granting bail and the same shall not in any way influence the trial in other proceedings.

7. With disposal of main application, Intervention Application No.1/2020 does not survive. The same is accordingly disposed off.

(SANDEEP K. SHINDE, J.)