IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

924 **ANTICIPATORY BAIL APPLICATION NO.1403 OF 2021**
WITH APPLN/2923/2021 IN ABA/1403/2021

PANDU MORIMISETTY S/O VENKATA RAMAPPA MORIMSETTY
VERSUS
THE STATE OF MAHARASHTRA
...
Mr. V.D.Sapkal, Senior Advocate, i/b Mr. Swapnil S.Rathi, Counsel for applicant
Mr. A.S.Shinde, APP for respondent-State
Mr. P.P.More, Counsel for complainant (assist to APP)
...
CORAM : PRAKASH D. NAIK, J.

DATE : 10th DECEMBER, 2021

PER COURT:

1] The applicant is apprehending arrest in Crime No.0227 of 2021 registered with Murud Police Station Dist.Latur for the offences punishable under Sections 420, 467, 406 and 120(B) read with 34 of Indian Penal Code (for short, 'IPC').

2] First Information Report (for short, 'FIR') was registered on 26.08.2021 at the instance of Ashok Hanmantrao Todkar, Legal Assistant, Vilas Sahakari Sakhar Karkhana, Nivli, Dist.Latur. It is alleged that complainant is involved in production of Sugar having factory at Vaishalinagar, Nivli, Dist.Latur. The first informant was authorized to lodge complaint. It is alleged that 8364 metric tone Sugar was given to M/s. Kurinjee Pronatural Foods Pvt.Ltd. for export. The said company did not export the said sugar and did not provide documents for obtaining subsidy from the Central Government. Loss of Rs.8,73,87,072/- was caused to complainant-factory. Cheque issued in respect of due amount was dishonoured. The accused-company sold Sugar, obtained from the complainant's factory in local market at higher rate instead of exporting it. Chandrababu Pradipraj and others were named as accused in the FIR.

3] Applicant preferred an application for anticipatory bail before the Sessions Court. The said application was rejected by order dated 30th October, 2021.

4] Learned Senior Advocate Mr.Sapkal appearing for applicant submitted that the applicant is falsely implicated in this case. He is not named in the FIR. There is no evidence to connect him with the crime. He is not concerned with affairs of M/s.Kurinjee Pronatural Foods Pvt.Ltd. During the custodial interrogation of the arrested accused, the name of the applicant was disclosed. Such disclosure has no evidentiary value. Agreement dated 30th June 2020 was executed between the complainant and M/s.Kurinjee Pronatural Foods Pvt.Ltd. Certificate of incorporation of M/s. Kurinjee Pronatural Foods Pvt.Ltd issued by Registrar of Companies do not show connection of applicant with said company. The applicant has no connection with accused-company. Applicant is not been named in the FIR. No role is ascribed him in the

FIR. He has not operated the bank account. R.O.C. Record does not show the involvement of the accused with the accused-company. Custodial interrogation of applicant is not necessary.

5] Learned APP submitted that applicant is mastermind in the crime. He is connected with the accused-company. Sugar obtained by the accused was sold in the open market at higher rate. Loss was caused to the complainant-company since they were deprived of subsidy, issued by the Government. The State Bank of India has submitted letter that applicant is operating the bank account. His custodial interrogation is necessary. The applicant is involved in Crime No.271 of 2021 registered with MIDC Latur Police Station for the offences punishable under Section 420 and 406 of Indian Penal Code. The application for anticipatory bail preferred by applicant before this Court in the said crime has been rejected by order dated 2nd September 2021. He is also involved in other cases.

6] Learned Advocate for the complainant supported submissions of learned APP. It is submitted that applicant has deep connections with M/s. Kurinjee Pronatural Foods Pvt.Ltd. He is the chairman of company. The Sessions Court has assigned reasons for rejection of application for anticipatory bail. The applicant has criminal antecedents. He has played active role in the crime. He is always acting behind the curtain. He has operated bank account.

7] I have perused the documents on record. The accused-company M/s. Kurinjee Pronatural Foods Pvt.Ltd. was handed over huge quantity of Sugar by the complainant's company for the purpose of export. In accordance with the scheme of the Central Government, the complainant was entitled for subsidy. However, the documents were not provided by the accused-company. The Sugar was sold in the market at higher rate instead of exporting it. The contention of the applicant is that he is not concerned with the accused-company. Accused No.1 Pradipraj s/o Chandrababu and accused No.2 Idiga Manikanta @ Munikrushna s/o Chandrashekhar were arrested on 7th September 2021. Accused No.4 Abhijit Vasantrao Deshmukh is arrested on 1st September 2021. Agreement was executed between the complainant's factory and M/s. Kurinjee Pronatural Foods Pvt.Ltd. for exporting Sugar. Cheque issued by the accused by way of security has been dishonoured. According to complainant, loss of Rs.8,73,87,072/- was caused to the complainant-factory. The arrested accused were interrogated. The police report indicate that 8 other cases were registered against applicant vide Crime No.4 of 2021 registered with Murud Police Station for offences under Section 420, 467 and 468 read with 34 of IPC, Crime No.86 of 2021 registered with Barad Police Station Dist.Nanded, Crime No.243 of 2021 registered with Kingaon Police Station Dist.Latur for similar offences, Crime No.221 of 2021 registered with Raichur Rural Police Station, Crime No.7 of 2021 registered with C.E.N.Crime Kalburgi Police Station, Crime No.8 of 2021 registered with C.E.N.Crime Kalburgi Police Station, Crime No.78 of 2021 registered with Rable MIDC Police Station, Crime No.29 of 2018 registered with Kothak Hirvuvu Police Station and Crime No.271 of 2021 registered with MIDC Latur Police Station for similar offences. During the investigation, it was revealed that the State Bank of India had issued letter dated 21.04.2021, stating that the bank account of M/s. Kurinjee Pronatural Foods Pvt.Ltd. is operated by applicant. During the interrogation of accused Pradipraj and Idiga, it was disclosed that the bank account of the accused-company is operated by applicant. While the agreement was executed with the complainant-factory for export of Sugar, the economic affairs were looked after by applicant. To avoid liability, Pradipraj was told to sign the agreement as Chairman. I have perused letter dated 21.04.2021, issued by the State Bank of India, wherein, it is stated that M/s. Kurinjee Pronatural Foods Pvt.Ltd.is holding a current account No.39140576246 with the said Bank from 13th February 2020 and the authorized signatory of the account is Mr.Pandu Morimisetty (applicant). This Court has rejected the application for anticipatory bail preferred by applicant in Crime No.271 of 2021 registered with MIDC Latur Police Station for the offences under Sections 420 and 406 read with 34 of IPC. The case of the prosecution therein was that the complainant had supplied black gram to M/s. Kurinjee Pronatural Foods Pvt.Ltd. Other businessmen had also supplied pulses to them, however, payment was not made. On behalf of the applicant, it was contended that he is not employee nor director of the company M/s. Kurinjee Pronatural Foods Pvt.Ltd. The prosecution had contended that applicant is concerned with the said Company. While rejecting the said application, it was observed that there are statements which supports the prosecution case. The statement also involves applicant as Chairman of the Company. The document discloses that he was chairman of the company M/s. Kurinjee Pronatural Foods Pvt.Ltd.

8] Thus, the investigation reveals that applicant is involved with M/s. Kurinjee Pronatural Foods Pvt.Ltd. The investigation discloses his complicity with the transaction. The dispute cannot be termed as civil dispute. Custodial interrogation is necessary. Hence, I pass the following order.

ORDER

(i) Anticipatory Bail Application No.1403 of 2021 is rejected.

(ii) Criminal Application No.2923 of 2021 stands disposed of.

(PRAKASH D. NAIK, J.)

sarowar