

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

ANTICIPATORY BAIL APPLICATION NO. 36 OF 2020

1. Mr. Sandiapan Devrao Kharat	
2. Mr. Vijay Yogiraj Dhawale	 Applicants
versus	
The State of Maharashtra	 Respondent

**WITH
ANTICIPATORY BAIL APPLICATION NO. 17 OF 2020**

1. Abhijit Ramesh Patil	
2. Pramodsing Dilipsing Rajput	 Applicants
versus	
The State of Maharashtra	 Respondent

.....

Mr. Dayanand C. Awari, Advocate for Applicants in ABA/36/2020.
Mr. Priyal G. Sarda, Advocate for Applicants in ABA/17/2020.
Smt. A. A. Takalkar, APP for the State/Respondent.
Mr. Somnath Panchal, A.P.I., MIDC Bhosari PS. Pimpri Chinchwad,
present.

.....

CORAM : SARANG V. KOTWAL, J.
DATE : 12th FEBRUARY, 2021

P.C. :

1. Both these applications are decided by this common order because they arise out of the same offence and same

investigation. For the sake of convenience, the applicants are referred here-in-after by their names.

2. The F.I.R. is lodged by one Deepak Patange who had is unit in MIDC, Bhosari. He was having a company by the name Patange Industries Private Limited. His company was in the business of manufacturing precision components. His customers were from abroad as well as from India and in particular Defence Ministry of the Government of India used to place some orders with the informant's company. The applicant Abhijit was a senior employee in the company. The applicant Vijay Dhawale was working in the Purchase Department. The applicant Sandiapan Kharat was Production Supervisor and the applicant Pramodsing was incharge of quality control. The informant's case is that because of his health, he was not able to look after the work of the company with full efficiency and therefore, he had relied on the present applicants to do a good job of completing the orders. The F.I.R. mentions that his company had received contract for making various machineries. The informant had entrusted the responsibility on all these four applicants of

completing the job right from purchasing the raw material to supplying the finished products. The F.I.R. mentions that the work order given by the Ordnance Factory, Ambazari was completed by the applicants. The machineries sent to the said Ordnance Factory were rejected because the parts were not of the required dimensions. It is his allegation that the applicants had done this deliberately so that the informant's company would be black listed. He has alleged that such job had caused him loss to more than Rs.13 Lakhs. Similar allegations are in respect of machineries supplied to Ordnance Factory at Khamaria, Jabalpur, M.P. Even that lot was rejected causing loss of more than Rs.36 Lakhs. There are allegations that on one occasion, the applicants deliberately gave quotation of a much lesser price and those quotations were not viable, causing loss to the informant. On that occasion, the loss was more than Rs. 12 Lakhs. The F.I.R. goes on mentioning the other instances and the loss suffered by the informant. On this basis, the F.I.R. is lodged.

3. Heard Mr. Dayanand Awari and Mr. Priyal Sarda, learned Counsels for the applicants and Smt. A. A. Takalkar,

learned APP for the State.

4. Learned Counsel for the applicants submitted that taking the allegations into consideration, at the highest, no offence is made out against the present applicants. The informant had lost his business and he is unnecessarily and wrongly blaming the applicants. It was improbable that the applicants deliberately did this job and supplied faulty machines causing loss to their employers thereby, putting their own jobs in danger.
5. Learned APP, on instructions from the Investigating Officer, stated that the first informant is not co-operating with the investigation. He is not supplying the original documents and he has not shown the damaged machineries which were returned by various factories. In short, there is a total non co-operation on the part of the first informant.
6. I have considered these submissions. From the F.I.R. itself it appears that the applicants could have been inefficient in their job. The requirements of the Ordnance Factory have to be strictly followed and therefore, rejection rate could also be high.

But it was for the informant to keep check on the efficient completion of the job given to the company. The allegations are spread over a long period in completing various contracts. On every occasion, the informant could not have blamed the present applicants. There is nothing to show that the informant had cautioned any of the applicants and had seen to it that the job was completed efficiently. At the highest, it could be dereliction of duty, inefficiency in completing the job but for that civil remedy could be available to the present applicants. From the allegations in the F.I.R., hardly any offence is made out. It is difficult to accept the contention of the informant in the F.I.R. that this inefficiency was deliberately shown by the applicants. There are no allegations and there is no material collected during the investigation to show that any of the applicants have earned any wrongful gain out of this.

7. In this view of the matter, custodial interrogation of the applicants is not necessary. They can be directed to attend the concerned Police Station as and when called and can be directed to cooperate with the investigation.

8. Hence, the following order.

ORDER

- (i) In event of their arrest, in connection with C.R.No.387/2018 registered with MIDC Police Station, Taluka Haveli, Dist. Pune, the applicants are directed to be released on bail on their furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) each with one or two sureties each in the like amount.
- (ii) The applicants shall attend the concerned Police Station as and when called and shall cooperate with the investigation.
- (iii) Both applications are disposed of accordingly.

(SARANG V. KOTWAL, J.)