

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.387 OF 2020
WITH
INTERIM APPLICATION 804 OF 2020**

Anand Gajanan Deshpande & Anr. .. Applicants
Versus
The State of Maharashtra .. Respondent

...

Mr.Aabad Ponda, Senior Advocate with Mr.Chandansingh Shekhawat and Mr.Yashovardhan Deshmukh i/b Parinam Law Associates for the Applicants.

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

...

**CORAM: BHARATI DANGRE, J.
DATED : 30th OCTOBER, 2021**

P.C:-

1. The two applicants, seek protection from their arrest in connection with C.R.No.494 of 2019 registered with Paud Police Station, Pune invoking Sections 407, 420 read with Section 34 of the Indian Penal Code and Sections 43 and 66 of the Information Technology Act, 2000.

Apprehending their arrest, they had approached this Court and by order dated 13/02/2020, they were protected from arrest. The said order continue to remain in force till today.

2. Heard learned senior counsel Mr.Ponda and learned APP Mr.Yadav. With the assistance of the respective counsel, I have perused the documents on record. The complaint is filed by one Sachin Patil with Cyber Police Station in the capacity as Head of IT & HR of Artur Schade Steel Products India Limited. He was authorised by the Board of Directors to file the complaint. The company on behalf of which the complaint is filed, is originally located in Germany and it had its branch at Pirangut, Taluka Mulshi. It is alleged that the company is into the business of supplying the spare parts of steel required for the purpose of construction equipments and cranes. In the said company, one Manoj Kumar Mohite is alleged to have been appointed as Managing Director and on account of some discord between the families which were involved in German company, one of the Directors resigned due to ongoing family dispute and Mr.Sven Schade was appointed as Director of Artur Steel Company. On 18/06/2019, Manoj Kumar Mohite was removed from the company and his SIM card, Laptop and the car were seized. It was revealed that he had 7.5% shares in the alleged competitor company, namely, Schutee Meyer, of which Mr.Sorn Schade and Mr.Thomas Klaus Eshner were the Promoters and applicant Nos.1 and 2 were alleged to be the nominal Directors and the shareholders.

The named accused in the C.R. was Manoj Kumar Mohite and when the complaint is perused, the entire narration revolves around him alongwith Mr.Sorn Schade and Mr.Thomas Klaus Eshner. As far as the present two applicants are concerned, they are not attributed any particular role, barring a vague allegation to the effect that they were assisting

the main accused, Manoj Kumar Mohite in his misdeeds. This is the only allegation against the applicants in the entire FIR.

3. Learned APP is not able to point out any other material and his submission is to the effect that he was also involved with the main accused. In any case, the applicants are granted interim protection, since 13/02/2020 and were not arrested.

4. In the wake of the allegations levelled in the FIR, the Investigating Officer is entitled to investigate the applicants, but their custodial interrogation after more than a year, in my considered opinion, is not warranted. They are, therefore, entitled for being released on bail in anticipation of their arrest, subject to the following conditions.

: **ORDER** :

(A) In the event of arrest in C.R.No.494 of 2019 registered with Paud Police Station, Pune, applicant No.1-Anand Gajanan Deshpande and applicant No.2-Nilesh Shambhubhai Patel (Moliya) shall be released on bail on furnishing P.R. bond to the extent of Rs.50,000/- each, with one or two sureties of the like amount.

(B) The applicants shall report to the concerned police station on every Thursday between 10.00 a.m. to 2.00 p.m. for a period of four weeks and, thereafter, as and when directed by the Investigating Officer.

(C) The applicants shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him from

disclosing the facts to Court or any Police Officer and shall not tamper with the prosecution evidence.

5. The application is allowed in the aforestated terms.

6. In the light of the disposal of the application, interim application also stands disposed of.

(SMT. BHARATI DANGRE, J.)