

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

BAIL APPLICATION NO. 785 OF 2021

Yogesh Harishchandra Sagvekar ... Applicant
Versus
The State of Maharashtra ... Respondent

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Ms. P. B. Shinde h/f. Mr. Sunny Aaron Waskar, Advocate for the Applicant.

Mr. A. R. Kapadnis, APP for the Respondent – State.

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CORAM : PRAKASH D. NAIK, J.
DATE : 15th MARCH, 2021

PER COURT:

1. This is an application for bail in C.R. No. 341 of 2019 registered with Bangur Nagar Police Station, Mumbai for offences under Sections 379, 408 & 413 r/w Section 34 of Indian Penal Code. The First Information Report (for short “FIR”) was registered on 30th September, 2019. The applicant was arrested on 21st September, 2020.

2. The case of the prosecution is that petition for appointment of official liquidator was filed by Megha Soft Ltd. The property belonging to Loop Mobile India Co. Ltd. was the subject matter of this proceedings. The High Court had appointed official liquidator. The property which is subject matter of the FIR was

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situated at Eureka Towers. It was a secured asset with the IDBI Bank. Mr. Ashok R. Mane was appointed to handover the property to IDBI Bank. Chiller plants belonging to Loop Mobile India Company were situated on the terrace of Eureka Towers. The said plants were found missing on 16th July, 2019. The applicant was appointed as property manager in the building, where the aforesaid property was situated. It is alleged that the chiller plants were removed from the premises with the help of crane and the vehicle for transporting it and it was sold for an amount of Rs.7 Lakhs. The applicant was arrested and cash of Rs.2 Lakhs was recovered from his possession. The amount of Rs. 3,50,000/- was also recovered from the co-accused. It is alleged that the applicant was involved in removing the property and selling it to another person. Statement of witnesses were recorded. On completing investigation, charge-sheet is filed.

3. Learned counsel for the applicant submitted that the applicant has been arrested on suspicion. There is no evidence to connect him with the crime. There is every possibility that some other person is involved in commission of crime. The property involved is huge and it was not possible to remove it without knowledge of security guards and the members of the society. The applicant had no authority to sell or remove the said property. The applicant has been made scapegoat.

4. Learned APP submitted that there is evidence against the applicant. He was working as property manger in the premises. He is involved in scribbling on the register to destroy the entry as to whom the property was handedover. The statement of witnesses discloses the complicity of the applicant. Amount of Rs.2 Lakhs has been recovered from the applicant. Cash is also recovered from the co-accused who was acting in connivance with the applicant.

5. The applicant is in custody from the date of arrest. Investigation is complete and the charge-sheet is filed. There are no criminal antecedents against the applicant. The applicant was working as property manager. It is debatable whether the applicant is involved in commission of offence. Nobody has seen applicant had removing the property. It is alleged that the register/vendor book was scribbled. Statement of witnesses also indicate that there is possibility that some other person is involved in this crime. It is also matter of record that inventory produced by the concerned person for removing the property including the chiller plants. There is no evidence to link the recovered amount with the crime. The vendor to whom property was sold has not been arrested. The charge-sheet is filed. Further detention of the applicant is not warranted. Hence, case for grant of bail is made out. Hence, I pass the following order:

ORDER

- (i) Criminal Bail Application No. 785 of 2021 is allowed;
- (ii) The applicant is directed to be released on bail in connection with C.R. No. 341 of 2019 registered with Bangur Nagar Police Station, Mumbai on executing P.R. Bond in the sum of Rs.25,000/- with one or more sureties in the like amount;
- (iii) The applicant shall report concerned Police Station once in three month on first Saturday of the month between 11:00 a.m. to 1:00 p.m. till further order;
- (iv) The applicant shall not tamper with the evidence.
- (v) The applicant is permitted to furnish provisional cash bail security in the sum of Rs.25,000/- for a period of eight weeks in lieu of surety.
- (vi) Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)