

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

ANTICIPATORY BAIL APPLICATION NO. 935 OF 2021

Vijay Ramchandra Wadekar Applicant

Versus

The State of Maharashtra & Anr. Respondents

Mr. Santosh Pawar for Applicant.

Smt. Anamika Malhotra, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.

DATE : 05th JULY, 2021

(Through Video Conferencing)

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.31 of 2021 registered at M.I.D.C. Police Station, Mumbai, on 19/01/2021, under section 381 of the Indian Penal Code (for short 'IPC').

2. Heard Shri. Santosh Pawar, learned counsel for the applicant and Smt. Anamika Malhotra, learned APP for the State.

3. The First Information Report (for short 'F.I.R.') is lodged by one Nitesh Nevrekar who was working with On Time

Logistics Pvt. Ltd. It was a courier company. The applicant was working as Hub Manager in that company. The company used to deliver mobile phones to customers. The allegations in the F.I.R. are that, the applicant kept 02 laptops and 19 mobile phones with him without making any delivery. The laptops belonged to the company and 19 mobile phone were worth Rs.5,80,367/-. Since these goods were not returned and since they were misappropriated, according to first informant, this F.I.R. is lodged.

4. Learned counsel for the applicant invited my attention to the order dated 11/06/2021 passed by this court (Coram: Prakash D. Naik, J.). He submitted that the applicant has substantially complied with the direction of that order and, therefore, final order can be passed.

5. Learned APP left the matter to be decided to the discretion of this court.

6. I have considered these submissions. The aforementioned order dated 11/06/2021 mentions that the applicant had paid amount of Rs.2 lakhs to the complainant and the balance amount of Rs.1,50,000/- was proposed to be paid to

the complainant by the end of June, 2021. The order also records that parties have settled the dispute. The order dated 08/04/2021 records that, two laptops of the company were already returned by the applicant. Therefore, question remains of balance amount of Rs.1,50,000/-.

7. Learned counsel for the applicant has filed an affidavit dated 29/06/2021 wherein it is mentioned that the applicant had deposited balance amount of Rs.1,50,000/-, as mentioned in the order dated 11/06/2021, in the informant's company's account and receipt dated 29/06/2021 was annexed to the said affidavit. In this view of the matter, custodial interrogation of the applicant is not necessary. He can be protected by an order of anticipatory bail.

8. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R.No.31 of 2021 registered at M.I.D.C. Police Station, Mumbai, the applicant is directed to be released on bail on his furnishing P. R. bond in

the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.

- (ii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)