

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

ANTICIPATORY BAIL APPLICATION NO. 2750 OF 2019

Raju Kuriyan Mampilly	 Applicant
Versus	
The State of Maharashtra	 Respondent

Mr. Kishor Maru for Applicant.
Mr. Ajay Patil, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 24th SEPTEMBER, 2021

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.552 of 2018 registered at Vanrai Police Station, Goregaon, on 01/04/2018, under sections 406 and 409 of the Indian Penal Code (for short 'IPC') and under section 4 of the Employees Provident Fund Act.
2. Heard Shri. Kishor Maru, learned counsel for the applicant and Shri. Ajay Patil, learned APP for the State.
3. The allegations are that the applicant had deducted the amount from the salary of the employees to be paid with the authorities, however, he did not make such payment and he had

misappropriated that amount. The figure mentioned in the F.I.R. is Rs.1,15,639/-. The previous order dated 17/12/2019 records the submission of the learned counsel for the applicant that the entire amount of Rs.1,15,639/- for the period from April 2016 to August 2017 has been deposited with the authorities. The statement was accepted and interim relief was granted to the applicant. Learned APP was directed to verify that statement. Today, learned APP verifies that statement and accepts the submission that this entire amount is already deposited with the authorities. The only grievance of the investigating agency is that the applicant was not found on the address mentioned in the title of this application after bond was executed by him.

4. Learned counsel for the applicant states that, because of his family difficulties, he had gone to his hometown, but he has come back and he is still residing on the address mentioned in the title of this application. This statement is also accepted. If it is found that the applicant is not so residing, the State is at liberty to move an application for cancellation of this order. The applicant shall inform the investigating officer in future in case of change of

his address. In addition, he shall also furnish his regular telephone numbers and native address at Kerala. With these observations, the interim order can be made absolute.

5. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R.No.552 of 2018 registered at Vanrai Police Station, Goregaon, 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.)