

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

ANTICIPATORY BAIL APPLICATION NO. 1521 OF 2022

Deepak Gopinathrao Apshingekar & Anr. ..Applicants

v/s.

The State of Maharashtra . ..Respondents

with

ANTICIPATORY BAIL APPLICATION NO. 1523 OF 2022

Chandrashekhar Trimbakrao Deshmukh ..Applicants

v/s.

The State of Maharashtra . ..Respondents

Mr. M.M.Chaudhari a/w. A. Rehman for the Applicant.

Mr. Vivek Salunkhe for the Respondent.

Mr. P.H.Gaikwad, APP for the State.

**CORAM : ANUJA PRABHUDESSAI,J.
DATED : 26th AUGUST, 2022.**

P.C.

1. These applications under Section 438 Cr.P.C. are filed for pre-arrest bail by the aforesaid applicants apprehending their arrest in C.R.No.110 of 2022 registered with Kothrud Police Station, Pune for offences under Section 417, 420, 471 r/w. 34 of IPC.

2. Heard Mr. Chaudhari learned Counsel for the Applicants, Mr. Salunkhe for the Respondent No.2 and APP Mr. Gaikwad for the

State. I have perused the records and considered the submissions advanced by the learned Counsel for the respective parties .

3. The aforesaid crime was registered pursuant to the FIR lodged by Respondent No.2-Sarika Kondekar. It is the case of the prosecution that the Complainant is the friend of wife of Applicant Chandrashekhar. It is alleged that the Complainant herein and her husband had paid to the Applicant, an amount of Rs.4,88,000/-. The Applicant did not refund the money and assured that the Complainant would be joined as one of the partners of Kingbird Technology Pvt. Limited. The Complainant has alleged that she had signed some papers and the accused misused the same to prepare her resignation letter and handed over the same to Chandrashekhar. The said letter was forwarded to the Company Secretary. The Complainant states that she had never attended the Company Meeting

4. The records FIR prima facie indicate that there was some business transaction between the husband of the Complainant and the Applicant Chandrashekhar. It is stated that the Applicant No.1 had provided some solar panels to the Husband of the Complainant and that money was paid towards the said solar panels. It is not in dispute that the Complainant was made one of the Directors of the

Company and that the resignation letter submitted by her was forwarded to the Company Secretary. Whether the Complainant had handed over some signed blank papers to the Applicant No.1 and he had misused the same for preparing false resignation letters are the questions to be decided on merits of the matter.

5. Considering the nature of accusation, and the material on record, this Court had granted interim protection to the Applicants with direction to report to the Investigating Officer as and when called. Learned Counsel for the Applicant states that the Applicants were not called by the Investigating Officer. He further submits that the Applicant is ready to appear before the Investigating Officer whenever called upon.

6. Considering the nature of the allegations and the nature of the material in support thereof, in my considered view, this is not a case which would justify custodial interrogation. Hence the Application are allowed on the following terms and conditions :-

- (i) In the event of arrest of the Applicants above named in Crime No.110 of 2022 registered with Kothrud Police Station, Pune, the Applicants are ordered to be released on bail on furnishing P.R.Bond of Rs.25,000/- (Rupees Twentyfive Thousand Only) each with one or two sureties in the like

amount.

- (ii) The Applicant shall report to the Investigating Officer on 5th , 6th and 7th September, 2022 from 10.00 a.m. to 1.00 p.m. for the purpose of investigation and interrogation.
- (iii) The Applicants shall not interfere with the complainant and the other witnesses in any manner.
- (iv) The Applicants shall provide permanent as well as temporary address, if any, and his contact details to the Investigating Officer.

(ANUJA PRABHUDESSAI, J.)