

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**ANTICIPATORY BAIL APPLICATION NO.639 OF 2023
WITH APPLN/2103/2023 IN ABA/639/2023**

**PRAVIN BHASKAR BAVISKAR AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA**

...
Advocate for Applicants : Mr. N. L. Chaudhari
APP for Respondents: Mr. S. P. Sonpawale
Advocate for Applicant in APPLN/2103/2023:
...

CORAM : R.M. JOSHI, J

DATE : JULY 12, 2023

PER COURT :

1. Applicant No. 2 – Vivek Namdeo Koli apprehends arrest in connection with with C.R. No. 129/2023 registered with Shirpur City Police Station, Tq. Shirpur, Dist. Dhule for the offences punishable under Sections 406, 420, 468, 471, 120-B read with Section 34 of the Indian Penal Code.

2. Informant is the employee of Entex Transportation Services Pvt. Ltd. It is alleged by him that company has engaged partner for delivery services. Accordingly, an agreement was entered into with Pravin Baviskar. It is alleged that Pravin along with present Applicant No. 2 misappropriated a sum of Rs.

26,65,760/-. This amount was siphoned from June, 2022 to October, 2022.

3. Learned Counsel for the Applicant states that informant had issued notice to the Applicant on 25.02.2023 for the alleged dishonor of the cheque issued by him. It is contended that there is no whisper of any allegation against present Applicant and all allegations are made against co-accused. Thus, according to him it is the case of false implication of accused as cheque issued by him is dishonor.

4. Learned APP and learned Counsel for the informant submit that the notice is not the only communication made earlier and there was a complaint made by the company to PI Shirpur Police Station on 27.11.2022 making allegations in respect of fraud and misappropriation done by the accused. It is also pointed out that there are statements of employees of informant recorded during the course of investigation which according to them indicate the manner in which the said crime has been committed by both accused. It is contended that for the purpose of seizure of mobile phone, laptop, etc which was used for the commission of

crime their custodial interrogation is necessary.

5. From the FIR it is clear that in or around October, 2022 it was revealed to the informant that Applicant and co-accused have misappropriated more than a sum of Rs. 27 lacs. If it was so, it does not stand to any reason as to why the same was no mentioned in the notice issued by the informant to the present Applicant on 25.02.2023. Though the informant had lodged previous complaint on 27.11.2022 with concerned police station, however, perusal of the complaint does not show any allegation being made against present Applicant. It seems that allegation was made only against co-accused. Thus, this Court finds reason to accept the contention of the Counsel for the Applicant that since the cheque issued by the Applicant was dishonored, he is being falsely implicated in this crime. Appropriate direction to the Applicant to remain present before the investigating officer would be sufficient for further effective investigation.

6. In view of the above, application to the extent of Applicant No. 2 is allowed. Hence, the order:

O R D E R

- (i) In the event of arrest the Applicant – Vivek Namdeo Koli in connection with with C.R. No. 129/2023 registered with Shirpur City Police Station, Tq. Shirpur, Dist. Dhule for the offences punishable under Sections 406, 420, 468, 471, 120-B read with Section 34 of the Indian Penal Code, he shall be released on bail on furnishing PR bond of Rs. 15,000 (Rupees Fifteen Thousand Only) with one solvent surety in the like amount.
- (ii) He shall attend the concerned police station as and when called by I.O. with notice in writing.
- (iii) He shall not contact the prosecution witnesses directly or indirectly.
- (iv) He shall not interfere with the evidence in any manner whatsoever.
- (v) He is further directed to cooperate the investigating agency for further investigation.
- (vi) Pending criminal application no. 2103/2023 is disposed of.

(R.M. JOSHI, J.)

Malani