

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

ANTICIPATORY BAIL APPLICATION NO.977 OF 2023

**PRAMOD S/O. DILIP SONAWANE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

Mr. P. H. Patil, Advocate for the applicant
Mr. S. P. Sonpawale, APP for the respondent/State

CORAM : R. M. JOSHI, J.

DATE : 24th AUGUST, 2023

P.C. :-

1. Heard.
2. The applicant apprehends arrest in connection with Crime No. 94/2023 registered with Mohadi Nagar Police Station, Tal. and Dist. Dhule for the offences punishable under Sections 420, 406, 408 r/w 34 of IPC.
3. The first information report indicates that it is alleged by Deesan Agro Tech Private Limited Company that from 2019 till March, 2022 the material produced by the Company was sold by the present applicant and co-accused by taking aid of the security guard. There is allegation against them that they committed theft of the said material and further selling it appropriated money. It is alleged that from 2019 to 2022

approximately sum of Rs.55 to 60 lakhs was misappropriated by the applicant and co-accused.

4. Learned counsel for the applicant submit that the said company had lodged complaint against the present applicant on 8th November, 2022 making similar allegations against him. It is further submitted that in connection with the said crime he was arrested and now released on bail. According to the learned counsel for the applicant, it was within the knowledge of employer about the alleged acts of the applicant and hence it does not stand to any reason as to why now complaint is made against him on 8th November, 2022. It is his submission that in order to cause harassment to the applicant fresh FIR is lodged against him.

5. Learned APP opposed the application by contending that there is evidence on record to indicate that apart from the salary received by the applicant a sum of approximately Rs.1,90,000/- is also seems to have been received by him, which reveals from bank transactions. It is alleged that he has received amounts even from co-accused. In this regard learned counsel for the applicant states that he has placed on record the accounts statement of the applicant which indicates that the in fact the applicant has lent an amount of approximately Rs.45,000/- to this co-accused and has received it back either by bank transaction or in cash.

6. The record indicates that the informant had lodged first information report against the present applicant on 8th November, 2022. This indicates that it was within the knowledge of the informant about the alleged acts done by the applicant at the relevant time. In such circumstances there is no explanation provided in the first information report for lodging fresh FIR on 11th May, 2023. The allegations against present applicant is that he has committed theft of the material of the company and sold it and the said misappropriation is around Rs.55 to 60 lakhs. The statement of the security guard shows that no such incident has occurred. He does not corroborate the allegation made against the present applicant in the FIR. Even if the contention of the learned APP is accepted that there is receipt of Rs. 1,90,000/- in addition to this salary of the applicant, however the said entries are explained by applicant claiming that he holds the agricultural land and derives income therefrom. The Investigating Agency was not able to show anything on record to indicate that the said amount has been received from the co-accused or it is part of the amount miss appropriated. Pertinently the amount of misappropriation to the tune of is Rs.55 to 60 lakhs but there is nothing on record to show that any such amount could be attributed to applicant. The attempt made by the Investigating Agency to connect applicant with crime on the basis of entries of Rs.1,90,000/- which are in addition to the salary of the applicant is not sufficient to connect him

with the crime in question. On the contrary from facts involved in the case, there is reason to believe that in order to cause harassment to the present applicant the first information report is lodged after lapse of substantial period. In absence of any material to connect him with crime, it is a fit case for protecting the liberty of the applicant. Hence application is allowed in terms of interim order dated 27th June, 2023.

(R. M. JOSHI, J.)

ssp