

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.1614 OF 2022

Sachin Sahebrao Labde

...Applicant

Versus

The State Of Maharashtra And Another

...Respondents

Mr. A.R. Syed, Advocate for Applicant :
Mr. D.B. Thoke, Advocate for informant.

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 23rd JANUARY, 2023

ORDER :

1. The applicant apprehends arrest in Crime No. 202/2019, registered with Police Station, Shahada, Nandurbar, for offences punishable under sections 406, 408, 409, 420, 465, 467, 468, 120-B read with 34 of the Indian Penal Code.

2. FIR is lodged by Sunil Patil alleging that applicant and other directors of My Own Eco Energy Pvt. Ltd., deceived him by accepting Rs. 15,00,000/- towards security deposit for giving him dealership of bio diesel pump. Though, he communicated to the company that he is not interested in continuing with dealership, the applicant and other directors

flatly refused to return the security deposit. He, therefore, claimed that the accused persons named in the FIR has deceived him and one Vijay Patil for amount of Rs. 30,60,000/-.

3. Heard the learned advocate for the applicant, learned Additional Public Prosecutor for respondents and learned advocate for informant. Perused the investigation papers.

4. The applicant in his application has claimed that he has resigned from the directorship of said company on 30.08.2018 and he has no more concern with the said company. He submits that informant and other persons named in the FIR have failed to comply with the conditions given in the letter of intent for dealership and therefore allegations made in the FIR are of civil transaction and no criminal element is made out in the FIR. He therefore, submits that the applicant deserves protection.

5. Learned Additional Public Prosecutor for respondents on the other hand opposed the bail application submitting that it is revealed during the investigation that the applicant is still holding stakes in the company and he is actively involved in the commission of offence.

6. Perusal of investigation papers show that the applicant is still holding 45% stake in the company and the applicant is actively involved in the transactions of company. Prima facie, from the record, involvement of the applicant in the alleged crime is made out. Custodial detention of the applicant is necessary for effective investigation. In that view of the matter, applicant is not entitled for discretionary relief of anticipatory bail. The application being devoid of merit, is rejected.

7. At this stage, learned advocate for the applicant prays for continuation of interim protection granted to the applicant for a period of two weeks from today. For the reasons stated in the order, the prayer is rejected.

[NITIN B. SURYAWANSHI, J.]