

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

ANTICIPATORY BAIL APPLICATION NO.1731 OF 2022

**HUKUMCHAND BANSILAL KALANTRI AND OTHERS
VERSUS
THE SUPERINTENDENT OF POLICE, LATUR, AND ANOTHER**

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WITH

ANTICIPATORY BAIL APPLICATION NO.1732 OF 2022

**ISHWARPRASAD S/O JAGANNATH DAGA AND ANOTHER
VERSUS
THE SUPERINTENDENT OF POLICE, LATUR, AND ANOTHER**

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Mr. R. S. Deshmukh, Sr. Advocate a/w Mr Ashwini Sahastrabudhe,
Advocate i/b Mr. P. P. More, Advocate for Applicants in both ABA
Mr. A. A. Jagatkar, APP for Respondents – State in both ABA
Mr. C. P. Patil, Advocate for Informant in both ABA

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CORAM : NITIN B. SURYAWANSHI, J.

DATE : 23rd JANUARY, 2023

PER COURT :

1. Applicants apprehend arrest in Crime No.663/2022, registered with MIDC Latur Police Station, District Latur, for offence punishable under Sections 420, 403, 406, 409, 417 read with 34 of the Indian Penal Code.

2. Informant Pravin Manik Mane filed private complaint seeking direction under Section 156(3) of Cr.P.C. Pursuant to the directions issued by learned Judicial Magistrate First Class, Latur, FIR is registered wherein, in short, it is alleged that informant, his father Manik and brother Pradip carry on business of Adat at shop

No.98/D, Market Yard, Latur, in the name of M/s. Manik Limbaji Mane, M/s. Padmini Food Products and M/s. Pradip Manikrao Mane, since 1988. Accused No.1 Dhanraj Mane and his brother accused No.2 Hanumant Mane are proprietors of Vedant Trading Company and accused No.3 Vijaykumar Mundada is guarantor of the said firm. Accused Nos. 1 to 3 earned confidence of the informant by selling food-grains since 2015-2016. They used to sell food-grains of agriculturists i.e. soybean, black-gram, etc. to the firm of accused Nos.1 to 3. Initially proper accounts of transactions were given. Thereafter they started to purchase goods in the name of other firms i.e. Shridhar & Company, Atharva Agro Industries, Yash Trading Company, Harsh Traders, etc. on credit basis and paid the bills by RTGS in their bank account by taking commission.

3. Present applicants/accused Nos.4 to 9 are carrying their commission agency and cold storage warehouse business in the name of Latur Cold Storage Pvt. Ltd. at Latur M.I.D.C. since many years. Applicants are Managing Directors of the company. Accused Nos. 1 to 9 in collusion with each other dishonestly and fraudulently induced informant to avail their services. Informant kept their soybean and black-grams in the warehouse of applicants through accused Nos.1 to 3. In the year 2015-2016, informant kept 973.95 Quintal soybean worth Rs.1,00,00,000/- and 1,000 bags of black-

gram weighing 502.45 Quintal worth Rs.50,00,000/-, in the cold storage of applicants. Receipts from 04/11/2015 to 24/10/2016 were given to the informant. Later accused Nos. 1 to 9 dishonestly and fraudulently misappropriated all the stock of food-grains in collusion with each other and caused wrongful loss to the informant.

4. Heard learned senior advocate for applicants, learned Additional Public Prosecutor for State and learned advocate for informant. Perused the investigation papers.

5. From the documents placed on record, it is clear that the informant Pravin and his father Manik approached MIDC Latur Police Station on 18/11/2021, making similar allegations of misappropriation of 973.95 quintal soybean and 502.45 quintal black-gram. It appears that the police have given understanding in writing to the father of informant on 07/08/2022, that the dispute is of civil nature.

6. It further appears that by suppressing this fact, informant approached the trial Court by filing application for directions under Section 156(3) of Cr.P.C. The same is allowed by the trial Court, thereby directing police to register the offence.

7. *Prima facie* the dispute appears to be of civil nature.

Applicants' involvement is not revealed during the course of investigation. There is no material on record to show that applicants have played active role in the present crime. Allegations made in the FIR are based on documentary evidence and the relevant documents are already seized by the investigating officer. Nothing is to be recovered from the applicants. Applicants are reputed businessmen and have deep roots in the society. According to them, they do not have actual control over day to day affairs of the cold storage. In this view of the matter, applicants are entitled for protection.

8. Applications are allowed by confirming interim order dated 21/12/2022. Till filing of charge-sheet, applicants shall attend concerned police station as and when called by investigating officer and shall cooperate in the investigation. Applicants shall not tamper prosecution evidence.

(NITIN B. SURYAWANSHI, J.)