

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

ANTICIPATORY BAIL APPLICATION NO. 46 OF 2023

Akshay Ravikumar Tikwani

..Applicant

VS.

The State of Maharashtra

..Respondent

Monish Bhatia a/w Vaibhavi Parcharka for the Applicant.

Mr. S. H. Yadav, APP for the State.

I.V. Kokare, API, Central Police Station, Ulhasnagar is present.

CORAM : M. S. KARNIK, J.

DATE : JANUARY 12, 2023

P.C. :

1. Heard learned counsel for the applicant and learned APP for the State.

2. This is an application for pre-arrest bail. The applicant is apprehending arrest in connection with C.R. No. I-572 of 2022 registered with Central Police Station, Ulhasnagar, for the offence punishable under sections 408 read with 34 of the Indian Penal Code, 1860.

3. This Court on 07/01/2023, while granting interim protection to the applicant, passed the following order:

“1. Heard learned counsel for the applicant and learned APP for the State.

2. This is an application for pre-arrest bail in respect of the offence punishable under Sections 408 read with Section 34 of the Indian Penal Code, 1860 in connection with C.R. No.I-572 of 2022 dated 20/12/2022 registered with Central Police Station, Ulhasnagar.

3. The date of the incident is 17/12/2022. The applicant was working with the complainant. The applicant was handed over currency worth Rs.5,33,000/- in American Dollars and Indian rupees for handing over the same to the supplier of the electronic goods to be collected at the airport. Instead of collecting the electronic goods by handing over the said amount, the applicant fled with the money and thus committed the offence of criminal breach of trust.

4. Learned counsel for the applicant submitted that the applicant is willing to deposit the entire amount without prejudice to his rights and contentions. Let the entire amount be deposited before the Judicial Magistrate First Class, Ulhasnagar within a period of three days from today. The receipt be produced before the Investigating Officer. The applicant is willing to co-operate with the Investigating Officer.

5. A case for interim protection is made out. Hence the following order :-

ORDER

(a) In the meantime, in the event of arrest in connection with C.R. No.I-572 of 2022 registered with Central Police Station, Ulhasnagar, the applicant-Akshay Ravikumar Tikwani shall be released on bail on furnishing P.R. Bond of Rs.15,000/- with one or more sureties in the like amount.

(b) The applicant shall report to the investigating officer on 09/01/2023, between 11.00 a.m. and 1.00 p.m. and co-operate with the investigation.

(c) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing the facts to Court or any Police Officer. The applicant shall not tamper with evidence.

(d) The applicant shall furnish his contact number and residential address to the Investigating Officer and shall keep him updated, in case there is any change.

6. Stand over to 12/01/2023 when the matter can be considered further.”

4. The applicant attended the Investigating Officer on the dates fixed. Learned counsel for the applicant, on instruction, submitted that the entire amount has been deposited with the jurisdictional Magistrate. In this view of the matter, custodial interrogation of the applicant is not required, considering the nature of the allegations. Learned APP submitted that some further inquiry is to be made from the applicant and he be directed to report to the Investigating Officer. There are no criminal antecedents reported against the applicant. Hence the following order.

ORDER

(a) In the event of arrest of the applicant in connection with C.R. No. I-572 of 2022 registered with Central Police Station, Ulhasnagar, the applicant- Akshay Ravikumar Tikwani, be released on bail on his furnishing P.R. Bond in the sum of Rs.15,000/- with one or more sureties in the like amount;

(b) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him from disclosing the facts to Court or any Police Officer and should not tamper with evidence;

(c) The applicant shall report to the Investigating Officer of the concerned Police Station on 16/01/2023 between 11.00 am and 01.00 pm. and thereafter as and when called;

(d) The applicant shall report to the concerned Police Station once in a month i.e. on first Monday between 11.00 a.m. and 01.00 p.m. till filing of the charge-sheet.

5. The application is allowed in the aforesaid terms.

(M. S. KARNIK, J.)