

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**CRIMINAL APPELLATE JURISDICTION**  
**ANTICIPATORY BAIL APPLICATION NO. 82 OF 2023**

|                           |               |
|---------------------------|---------------|
| Vishnu Badrinarayan Sarda | ...Applicant  |
| Versus                    |               |
| State of Maharashtra      | ...Respondent |

**WITH**  
**INTERIM APPLICATION NO. 153 OF 2023**

|                                     |               |
|-------------------------------------|---------------|
| Ramesh Ramavtar Jaju                | ...Intervenor |
| <b><u>IN THE MATTER BETWEEN</u></b> |               |
| Vishnu Badrinarayan Sarda           | ...Applicant  |
| Versus                              |               |
| The State of Maharashtra            | ...Respondent |

Mr. Aniket Nikam a/w Mr. Piyush Toshniwal i/b Mr. Ashish Pandurang Pawar,  
for the Applicant.  
Mr. A. A. Palkar, APP, for the State.  
Mr. Nikhil N. Pawar, for the original complainant (Intervenor).

**CORAM : N.R. BORKAR, J.**  
**DATE : 13 JANUARY 2023.**

**P.C. :**

. This is an application under Section 438 of the Code of Criminal Procedure, 1973 for anticipatory bail.

2. The applicant is apprehending his arrest in Crime No. 348 of 2022 registered at Shahapur Police Station, for the offences punishable under Sections 406, 409, 420, 506 read with 34 of the Indian Penal Code.

3. I have heard the learned counsel for the applicant, the learned APP for the respondent/State and the learned counsel for the Intervenor.

4. According to the complainant, he used to store yarn bags in the warehouse owned by the co-accused Parasmni Sarpal. It is alleged that said co-accused Parsmani Sarpale had clandestinely sold 622 yarn bags owned by the complainant to other co-accused in the present crime. The allegations against the present applicant are that he took away/purchased 20 yarn bags out of 622 yarn bags owned by the complainant.

5. The learned counsel for the applicant submits that the applicant also used to store yarn bags owned by him in the warehouse of the co-accused Parasmni Sarpale. It is submitted that the applicant has nothing to do with the alleged crime. The learned counsel for the applicant, however, submits that applicant without prejudice to his rights is willing to deposit Rs. 4,00,000/- (Rupees Four Lakh only) towards value of 20 yarn bags.

6. The only incriminating material against the present applicant is statement of co-accused. Even otherwise as the applicant had shown his willingness to deposit Rs. 4 Lakhs, I am inclined to release him on anticipatory bail. In the result, the following order is passed:

### **ORDER**

A] The Application is allowed.

B] In the event of arrest of applicant- Vishnu Badrinarayan Sarda, in C.R. No. 348 of 2022 registered at Shahapur Police Station, for

the offences punishable under Sections 406, 409, 420, 506 read with 34 of the Indian Penal Code, he shall be released on bail on executing P.R. Bond in the sum of Rs. 25,000/- (Rupees Twenty Five Thousand) with one or two sureties in the like amount.

- C] The applicant shall deposit Rs. 4,00,000/- (Rupees Four Lakh only) before the learned jurisdictional Magistrate within two months from today.
- D] In view of above, the Interim Application does not survive and the same stands disposed of.

**[N.R.BORKAR, J.]**