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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.525 OF 2021

Anand N

...Applicant

vs.

The State of Maharashtra

...Respondent

....

Mr. Mayank Sharma, a/w. Ms. Namrata Sonawane, for the Applicant.

Mr. S.V. Gavand, APP, for the Respondent State.

Mr. Mangesh Kadam, PSI, Oshiwara Police Station, Mumbai.

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CORAM : ANUJA PRABHUDESSAI, J.

DATE : 19 APRIL 2023

P.C.:

This is an application under Section 438 of the Cr.P.C. filed by the aforesaid Applicant apprehending his arrest in Crime No.520 of 2020 registered with Oshiwara Police Station for offence punishable under Section 381 of the IPC.

2. Heard Mr. Mayank Sharma, learned Counsel for the Applicant and Mr. S.V. Gavand, learned APP for the Respondent State. I have perused the records and considered the submissions advanced by learned Counsel for the respective parties.

3. The aforesaid crime was registered pursuant to the FIR lodged by Prashant Gangadhar. The First Informant has alleged that the Applicant was his employee and that he had applied for leave for ten days on 15 September 2020. The Applicant was granted leave for ten days with effect from 24 September 2020. On 28 September 2020, the First Informant noticed that an amount of Rs.5,00,000/- kept in the drawer of his table was missing. The First Informant, therefore, lodged a complaint against the Applicant for committing theft of Rs.5,00,000/- and taking away some documents.

4. The Applicant has denied that he was employed with the First Informant. Learned Counsel for the Applicant states that the Applicant was, in fact, a investor, who had invested money in the Company of the First Informant. Learned APP concedes that, apart from the statement of the First Informant, there is no documentary evidence on record to indicate that the Applicant was employed in the Company of the First informant and/or that he had availed leave for ten days. Even otherwise, the Applicant is on interim bail since 26 February 2021. He has co-operated with investigation and his presence is not required for custodial interrogation.

5. Under the circumstances, order dated 26 February 2021, granting interim relief, is confirmed on the following terms and conditions:-

- (i) The Applicant is directed to report to the concerned Investigating Officer as and when required by the Investigating Officer.
 - (ii) The Applicant shall not tamper with the prosecution evidence and or influence the witnesses in any manner.
 - (iii) The Applicant shall keep the Investigating Officer informed of his current address and mobile contact numbers, and/or change of residence or mobile details, if any, from time to time.
6. The application stands disposed of.

(ANUJA PRABHUDESSAI, J.)