

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 714 OF 2021

Philip Micheal Joseph

...Applicant

V/s.

The State of Maharashtra and Anr.

...Respondents

Mr. Manoj Mohite Sr. Advocate a/w Mr. Anoop pandey for the Applicant.

Mr. Amit Palkar APP for the State.

Mr. Niteen Pradhan i/b Mr. P. D. Desai for Respondent No. 2.

CORAM : N.R. BORKAR, J.

DATE : 08.02.2023.

P.C. :

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

2. This Court on 12th March, 2021 passed the following order:

"1. The Applicant is seeking anticipatory bail in connection with C.R.No.1160/2020 registered at Kondhawa Police Station, Pune on 26.11.2020 under Sections 420,

406 of the Indian Penal Code.

2. Heard Shri Anoop Pandey, learned Counsel for the Applicant, Shri H.J. Dedhia, learned APP for the State and Smt. Sarita Mishra, learned Counsel for Respondent No.2. 3. At the outset, learned Counsel for Respondent No.2 is seeking time and prays for adjournment.

4. Learned Counsel for the Applicant states that after rejection of his anticipatory bail by the Sessions Court, interim relief was extended for 15 days from 1.3.2021. Therefore, as of today, the Applicant is protected by the order passed by the sessions Court.

5. I have perused the FIR. There are allegations that the Applicant was employed with the complainant's company since past nine years as Additional General Manager. The FIR mentions some dispute between the company and the Applicant. There are allegations that the Applicant had not given accounts of his expenditures which he made using the Corporate Credit card given to him by the company and he has also not returned the vehicle XUV 500 of Mahindra Company given to the Applicant in his capacity as an employee of the company. There are allegations that the Applicant was given irrevocable power of attorney by various farmers for transferring the lands at Alibaug and pune in the name of the company. The Applicant had retired on 31.3.2019, but, he was given extension because the transactions were not

completed. In spite of that at the end of extended period also the Applicant did not complete the transactions and thereafter this FIR is lodged.

6. Today, learned Counsel for Respondent No. 2 is seeking time to file reply to this application. At her request, I am adjourning the matter.

7. Learned Counsel for the Applicant invited my attention to Exhibit-I, which is a statement given by the Applicant to the police in the present investigation. In that statement there is a categorical statement that the Applicant was willing to complete the transaction wherever the farmers are alive and wherever the farmers are dead, after obtaining NOC from the legal heirs of the farmers. Learned Counsel for the Applicant states that the Applicant is abiding by this statement.

8. Learned Counsel for the Applicant in Court today has made a categorical statement that the Applicant is willing to return the XUV vehicle and all other articles of the company which are with him.

9. In this view of the matter, today I am protecting the Applicant from arrest till the next date. Hence, the following order.

O R D E R

(i) In the event of his arrest in connection with
C.R.No.1160/2020 registered with

Kondhawa Police station, Pune, till the next date, the Applicant be released on bail on his executing P.R. bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.

(ii) This order shall operate till 23.04.2021.

(iii) The Applicant shall attend the concerned Police Station as and when called and shall cooperate with the investigation.

(iv) Stand over to 23.04.2021."

3. It appears that the applicant has co-operated in the investigation. There appears to be no need of custodial interrogation. The learned APP on instructions submits that the investigation is almost over.

4. Considering the overall facts and circumstances of the case, I am inclined to allow the present application. Accordingly the Interim order dated 12th March, 2021 is here by confirmed.

5. The application is disposed of.

[N.R. BORKAR, J.]