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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 1814 OF 2023**

Mangilal Dhiraram Chaudhari ...Applicant

vs.

The State of Maharashtra ...Respondent

Mr.Shrikant Rathi–Advocate for Applicant.

Mr.H.J.Dedhia – APP for Respondent-State.

Mr.Rohan L. Shelar – PSI – Narpoli Police Station – Thane.

CORAM : S. M. MODAK, J.

DATED : 6TH JULY 2023

P. C. :

1. Heard learned Advocate for the Applicant and learned APP Investigating Officer is present.

2. Accused Nos.1 to 3 named in the FIR have misappropriated the medicines costing about Rs.57,14,296/- belonging to the First-Informant. They were working with the First-Informant. This is a figure arrived at after the investigation and there is charge-sheet filed against these three and one more Accused persons. When he lodged the FIR, the valuation of the medicines was Rs.8,00,000/-. During custodial interrogation with Accused No.4, it was disclosed that he has sold some medicines to the present Applicant, so also,

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through him, to various persons. That memorandum statement is there in the charge-sheet on Page No.14 dated 31st October, 2022.

3. Thereafter, a notice under Section 41-A of the Code of Criminal Procedure, 1973 ["Cr.P.C."] was also given to the Applicant and he has attended the Police Station. His statement is also recorded on 25th October, 2022. Though he has stated that few of the medicines he has handed over, the Investigating Officer submits that no medicines was handed over by him to the Police Station. Learned Advocate for the Applicant requested that the Applicant be given sometime to produce those medicines. However, since October-2022, the Applicant could not produce those medicines.

4. Considering the manner of distributing those medicines stated by the Accused No.4 – Madansing Rajput and considering the role alleged against the Applicant, I feel that custodial interrogation is required. No case is made out. Hence, Application is dismissed.

5. These are my *prima facie* observations. Let learned trial Court need not be influenced by them.

6. All the parties to act on an authenticated copy of this order.

[S. M. MODAK, J.]