

PMB

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

ANTICIPATORY BAIL APPLICATION NO.1917 OF 2022

VIMAL D. RATHOD ..APPLICANT
VS.
THE STATE OF MAHARASHTRA ..RESPONDENT

**WITH
INTERIM APPLICATION NO.3230 OF 2022
IN
ANTICIPATORY BAIL APPLICATION NO.1917 OF 2022**

MAHAVIR S. LODHA ..APPLICANT

IN THE MATTER BETWEEN

VIMAL D. RATHOD ..APPLICANT
VS.
THE STATE OF MAHARASHTRA ..RESPONDENT

Mr. M. G. Shukla for applicant in ABA/1917/2022.
Mr. Ali Bubere i/b. Mr. Rajendra Rathod for applicant in
IA/3230/2022.
Ms. A. A. Takalkar, APP for State.
Mr. Ramkrushna Sagade, API, Dadar Police Station is
present.

CORAM : M. S. KARNIK, J.

DATE : JANUARY 4, 2023.

P.C. :

1. Heard learned counsel for the applicant.
2. This is an application for pre-arrest bail in respect of
the offence punishable under Sections 406, 408, 420 and

34 of the Indian Penal Code, 1860 in connection with C.R. No.479 of 2022 dated 21/05/2022 registered with Dadar Police Station at the instance of the complainant-Mahavir S. Lodha.

3. The applicant is the husband of one of the partner of the partnership firm, of which the complainant is the other partner. The applicant was working as an employee of the said company and looking after the business. It is alleged that the applicant and the other accused in connivance with each other had sold off the cloth stock amounting to Rs.2,47,61,882/- belonging to their said partnership firm M/s. Munisuvrat Textiles without the knowledge of the complainant. When the complainant checked the stock, it came to his notice that there was stock of Rs.10 to 15 lakhs remaining but the stock in the books of account showed that there was a stock of Rs.2,70,03,882/-. The material on record *prima facie* reveal that the applicant and the other accused have collected various sums of monies in cash from different traders and misappropriated the said sums without crediting the same to the accounts of the said partnership

firm.

4. Learned counsel for the applicant submitted that the applicant is willing to co-operate and no useful purpose will be served by resorting to custodial interrogation in the present case. According to him, the dispute is in the nature of partnership dispute and therefore, the criminal proceedings are resorted to settle the partnership accounts. Learned counsel further submitted that all along the complainant was aware of the happenings in respect of the said partnership firm and that it is only on account of the dispute between the partners that the criminal proceedings are resorted to.

5. I have gone through the complaint and also the materials on record. Considering the nature of the allegations, this is not a fit case to grant pre-arrest bail to the applicant. The matter requires investigation. There are statements of the traders who say that they have handed over cash to the applicant and other accused in respect of the cloth which is supplied but the amounts have not been credited to the account of the partnership firm. The matter

needs investigation. The books of accounts though shows stocks worth over Rs.2 crores, but it is alleged that the actual stock of cloth is approximately of Rs.10 to 15 lakhs.

6. Anticipatory Bail Application is rejected.

7. Interim Application is disposed of.

(M. S. KARNIK, J.)