



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Criminal Application [ABA] No.502 of 2023

Avinash Ramesh Shelke and another

vs.

State of Maharashtra, through P.S.O., P.S. MIDC, Akola

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Ms. Rani Nitnaware h/f Mr. O.Y. Kashid, Advocate for the Applicants.
Mr. I.J. Damle, A.P.P. for the Non-Applicant/State.

CORAM : M.W. CHANDWANI, J.
DATE : 24th AUGUST, 2023.

Heard the learned Counsel for the applicants as well as the learned A.P.P. for the State.

02] I have gone through the case diary. The allegations are that co-accused Hanumant Deshmukh was working as Storekeeper in M/s. Laxmi Chemicals Pvt. Ltd. (hereinafter referred to as "Company" for brevity) and he was responsible for the stock stored in the store. Applicant No.2 was also the Storekeeper prior to co-accused Hanumant Deshmukh. At that time applicant No.1 was the Marketing In-charge in the said company and also looking after the store. On 09/01/2022 and 15/01/2023, when the representative of the Company did audit of the stock, it was found that 2146 items of agricultural pesticides, valued about Rs.10.30 lakhs were missing. When inquired with co-accused Hanumant Deshmukh, it was revealed that though the applicants had left the Company, they used to visit the godown and applicant No.1 used to send Hanumant Deshmukh some times for purchasing snakes and beer bottles. At that time, applicant No.1 used to remain alone in the godown. The representative of the Company, Mr. Chandrakant Jairam Suryawanshi lodged the complaint with Police Station M.I.D.C., Akola.

After preliminary inquiry, offence punishable under Sections 407, 420 read with Section 34 of the Indian Penal Code came to be registered against the applicants and co-accused Hanuman Deshmukh.

03] It is the contention of the learned Counsel for the applicants that the applicants are now not working with the Company. There is nothing on record to show that they are involved in the present crime. According to the learned Counsel for the applicants that the applicants had been working in the complainant's Company sincerely. Applicant No.1 was appreciated for his good performance and commitment to his work by issuing letter of appreciation by the Company. The applicants had left the job, therefore, with oblique motive, complaint came to be lodged against the applicants. There is delay in lodging the FIR. Therefore, it is prayed that the applicants be released on bail.

04] The learned A.P.P. for the State submits that there is ample material in the case diary, which goes to show the involvement of the present applicants. Though the applicants have left the job of the company, they frequently used to stay in the godown of the Company. Applicant No.1 used to remain alone by sending co-accused Hanumant Deshmukh outside the godown. It is contended that unless the custodial interrogation is done, there will be no progress in the investigation and the crime will remain unsolved. He, therefore, prayed for rejection of the bail.

05] Perusal of the case diary goes to show that the applicants were working with the Company and they were earlier concerned with the godown, where the agricultural pesticides were being stored for marketing. The record shows that even after leaving the Company, the applicants used to visit frequently to the godown of the Company and used to celebrate parties there. This can be seen from the fact that the

furniture of applicant No.1 was found in the godown of the Company. After leaving the Company, there was no reason for the applicants to visit the godown of the Company. It is also a matter of record that the some labels of the Company wherein applicant No.1 is working, have also been found in the godown of the Company. There are statements, which goes to indicate that the applicants used to send co-accused Hanumant Deshmukh, the storekeeper along with applicant No.2 to purchase beer and snacks for party and during that period the store room used to remain in custody of applicant No.1.

06] In view of the above materials, I find substance in the argument of the learned A.P.P. that for further investigation in the crime, the custodial interrogation of the applicants are necessary. Considering the nature of allegations against the applicants, I do not find that the case is made out for anticipatory bail. Hence, the application is rejected.

JUDGE