



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1038 OF 2024

BADRIVISHAL NANDKISHOR MUNDADA
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

Mr. K. S. Kahalekar h/f Mr. N. S. Ghanekar, Advocate for the applicant
Mr. P. K. Lakhotiya, APP for the respondent/State

CORAM : R. M. JOSHI, J.

DATE : 1st OCTOBER, 2024

PER COURT :-

1. Applicant apprehends arrest in connection with Crime No. 103/2024, registered with MIDC Latur Police Station, Dist. Latur for the offences punishable under Sections 420, 406, 465, 467, 468, 471, 473, 474, 120-B of IPC and Section 66(c) of Information Technology Act, 2000.

2. Perusal of the first information report indicates that one of the partners of M/s. Octogun Foods LLP lodged first information report making allegations against other partners that they have cheated him and committed breach of trust. There is specific allegation against Rahul Kalantri that he prepared bogus agreements, resolutions, letter heads, receipts and stamps of the firm and siphoned the money. As far as present applicant is concerned, it is alleged that he is the proprietor of Krushna Traders with whom there is a transaction of M/s. Octogun Foods LLP and amount has been paid to Krushna Traders through finance company.

3. Learned counsel for the applicant submits that there is no allegation against present applicant about creating any bogus documents, stamps etc. and the accused against his allegations are there was already arrested and now enlarged on regular bail. It is his submission that the present applicant is the owner of Krushna Traders which firm exists even prior to transaction in question. It is contended that not only with M/s. Octogun Foods LLP but with other traders also there are transaction. By relying up on bank statements it is submitted that except for the transaction with Krushna Traders no amount has come to the account of the present applicant and he is not the beneficiary of the crime.

4. Learned APP opposed the application and it is his submission that the investigation carried out by the Investigating Agency indicates that no such firm in the name of Krushna Traders exists. Thus, it is his argument that it is the case where proved the Krushna Traders the amount has been siphoned with the help of present applicant.

5. In the first information report there is no allegation against the applicant that he has created any bogus documents. The said allegations are levelled against co-accused. To rebut the submissions of the learned APP with regard to non existence of Krushna Traders, the learned counsel for the applicant has placed on record the registration certificate under the shop Act which indicate that the said firm exists

since 2016. In addition thereto he has placed on record the statement of account which indicate that Krushna Traders is in the business of trading not only with M/s. Octogun Foods LLP but with others. This Court therefore is unable to accept the contention of learned APP that there is no genuine existence of Krushna Traders and same has been created in order to facilitate misappropriation of money. No doubt there could have been better investigation than the one carried at by the Investigating Officer to find out the trail of the money which is misappropriated by the co-accused. At this stage, there is absolutely no evidence on record to show that the applicant is beneficiary of the crime. He has no criminal history and not likely too abscond. As such it is a fit case for grant of anticipatory bail. Hence, the order.

ORDER

- (i) In the event of arrest of applicant in connection with Crime No. 103/2024, registered with MIDC Latur Police Station, Dist. Latur for the offences punishable under Sections 420, 406, 465, 467, 468, 471, 473, 474, 120-B of IPC and Section 66(c) of Information Technology Act, 2000, he shall be released on bail on furnishing PR Bond of Rs.15,000/- (Rupees Fifteen Thousand only) with one solvent surety in the like amount.
- (ii) He shall attend the concerned police station once in a week.
- (iii) He shall not contact the witnesses directly or indirectly.
- (iv) He shall not interfere with the evidence in any manner whatsoever.
- (v) He is further directed to cooperate the investigating agency for further investigation.
- (vi) Learned APP to communicate this order forthwith to concerned police station.

(R. M. JOSHI, J.)

ssp