IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

25 BAIL APPLICATION NO.1491 OF 2024

PRADIP SHANKAR MULE
VERSUS
THE STATE OF MAHARASHTRA

WITH

CRIMINAL APPLICATION NO. 3809 OF 2024
IN BA/1491/2024

...
Advocate for Applicant : Ms. Pradnya Talekar h/f Talekar And Associates.
APP for Respondent/s-State : Mr. S. B. Pulkundwar.
Advocate for Informant to assist APP : Mr. R. P. Mote.
...

CORAM : S. G. MEHARE, J.
DATE : 23.09.2024

PER COURT :-

1. Heard the learned counsel for the applicant, learned APP for the respondent/State and learned counsel for the informant.

2. The applicant seeks bail in Crime No.160 of 2024, registered with M.I.D.C. Waluj Police Station, District Aurangabad, for the offences punishable under Sections 406, 408, 420, 465, 467, 468, 471, 477-A, 120-B read with Section 34 of the IPC.

3. A detail report has been lodged about misappropriation of huge fund and forging the accounts, since 2014 to 2024. The applicant was the Head Accountant in the company of complainant. In 2024, the complainant discovered that the huge amount was misappropriated in connivance with the other co-accused. It has been alleged against the applicant that he has deposited a huge money in the name of his wife which was disproportionate to his income. A thorough investigation has been done and it was found that the applicant was involved in the misappropriation of amount and for the false entries in the account books. He allowed the other co-accused to use his user ID numbers as well as the log in numbers.

4. Learned counsel for the applicant would submit that the applicant has resigned long back in 2021 as he had his own transport business. He is the income tax assessee. Since the transport business was flourishing, he resigned from the post and after his retirement, the FIR is registered. The police have seized the original registered sale deed of the house and R.C. book of the transport vehicle. Therefore, the applicant is facing difficulty in running his transport business. In fact it was not the part of investigation. The Investigating Officer ought to have returned the originals after getting its copies verified.

She also argued that the bank accounts of the applicant and his wife have also been freezed. The fixed deposit amount lying in the bank in the name of the wife has also been freezed. Since there were many employees, interim arrangement was made to use the user ID and log in numbers. The business and transactions were done on the instructions of the complainant only. The account entries were taken under his supervision and directions. Otherwise, the applicant had no reason to enter such entries. The other co-accused who runs the scrap business who were very close to the complainant. But, by passage of time, they had some differences. Hence, it resulted in litigation. The applicant is languishing in jail since long. Nothing is to be recovered from him. He has small children and the family members. Hence, he may be granted bail.

5. Learned APP has argued that the material collected against the applicant *prima facie* shows that the applicant was playing fraud with the employer by recording multiple entries for the same transactions. The entries of the amounts were repeatedly shown in the accounts and money was transferred to a third person and from his account it was withdrawn. The labour charges entries were posted in the account without

work orders. The audit report establish a systematic fraud. Therefore, he does not deserve bail.

6. Learned counsel for the complainant who knows the pros and cons of the case has argued that the applicant is the main accused. He was the Account Head. He deliberately authorized and allowed to other employees to operate accounts under his user ID as well as log in numbers. He had a meager salary of Rs.25,000/-. He filed the income tax assessment at the same time for two years. He mean to say that considering his income source, it was not possible for him to have a huge deposit in the bank in the name of his wife. Even he was not able to make money. His financial condition has a nexus with the fraud played with the complainant. A huge amount has been defrauded. If the applicant would be released on bail, he may tamper with the prosecution evidence. Hence, he may not be granted bail.

7. Perused the papers. The argument advanced by the learned counsel for the applicant reveals that the accused was the employee. The complainant did not deny that he resigned in 2021. The report was lodged in February 2024 and he was arrested in the month of April 2024. He was thoroughly interrogated. The connected and relevant papers for the

investigation were recovered. However, unfortunately the documents in the name of his wife and the R.C. books of the vehicle without which the vehicle could not run were still detained. The Investigating Officer is present in the Court. He is directed to return the original documents forthwith to the wife of the applicant. The charge sheet has been filed. The fraud is based upon the accounts. The Investigating Officer has collected all necessary accounts and papers. The applicant is languishing in jail since April 2024. He has no antecedents to his discredit. He has roots at the place of his residence. Though the learned counsel for the complainant argued that the applicant may tamper with the prosecution witnesses, it is without foundation. In the facts and circumstances of the case, the Court is of the view that the detention of the applicant would serve no purpose. Therefore, he deserves bail. Hence, the following order :

O R D E R

(i) Bail Application is allowed.

(ii) Applicant **PRADIP SHANKAR MULE** be released on bail on furnishing P.B. and S.B. of Rs.50,000/- (Rupees Fifty Thousand only) with one solvent surety of like amount, on the following conditions :

(a) The applicant should not tamper with the prosecution witnesses.

(b) He should attend the trial on each and every date.

(iii) Criminal application No.3809 of 2024 stands disposed of.

(S. G. MEHARE, J.)

...

vmk/-