

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.2495 OF 2023

Sanjay Anirudh Mule ...Applicant
vs.
The State of Maharashtra ...Respondent

Mr. Sanjeev Kadam i/b. Mr. Kalpesh Patil, for the Applicant
Mr. A.A. Naik, APP, for the Respondent/State.

CORAM : N. J. JAMADAR, J.
DATE : AUGUST 6, 2024

P.C.:

1. Heard the learned counsel for the parties.
2. This application is preferred seeking pre-arrest bail in connection with C.R. No. 326 of 2023 registered at Lonand police station for the offences punishable under sections 408, 420, 467, 468 and 471 read with 34 of Indian penal Code, 1860.
3. By an order dated 4th September, 2023 this Court was persuaded to grant interim bail observing, inter alia, as under.

3] The Applicant was working as a Senior Engineer with Sharayu Agro Industries Ltd., Kapashi. The said company had issued work orders to Fabrics Industries and Accurate Industries. Under the said work orders, a sum of Rs.1,67,25,876/- and Rs.86,12,837/- were transferred to Fabrics Industries and Accurate Industries, respectively.

4] The first informant is a director of Sharayu Agro Industries Ltd. He had lodged a report that the abovenamed companies had obtained work order by furnishing false and fabricated documents and seal. It further transpired that the work executed by the abovenamed companies was also not by using the new

and genuine machineries/parts. The said companies had submitted bills to the tune of Rs.91,57,282/- and Rs.23,33,076/- for the work by hatching a conspiracy with the employees of Sharayu Agro Industries Ltd. including Mr. Santosh Popatrao Hole, Mahadeo Anant Bhandare and the applicant.

5] The learned Counsel for the Applicant submitted that Mr. Vasant Lodha of Fabrics Industries and Accurate Industries has been directed to be released on bail in the event of the arrest by the Court of Session. The applicant was not entrusted with the responsibility of verifying the work executed by the abovenamed companies.

6] In opposition to this, the learned APP submitted that the applicant had certified the bills and signed the measurement sheets.

7] In the backdrop of the nature of the accusation, the investigation is warranted as regards the alleged criminal conspiracy to defraud the company. The allegations against the applicant primarily appear to be that of certifying the measurements when the work was not in fact done and the new machinery and equipments were not utilized. Thus, it may be expedient to grant interim protection to the applicant while directing him to join in the investigation.

4. The learned counsel for the applicant, on instructions, submits that the applicant has appeared before the investigating officer and cooperated with the investigation. The principal accused Vasant Lodha was granted pre-arrest bail by the Court of Session observing inter alia that the dispute between the company where the applicant was working as Senior Engineer and the said accused appeared to be of civil nature.

5. For the reasons which weighed with this Court in granting interim protection and the nature of the accusation which

essentially revolves around certification of the measurement, in the capacity of Chief Engineer, further custodial interrogation of the applicant does not seem warranted.

6. I am, therefore impelled to make the order of interim bail absolute.

Hence, the following order.

ORDER

1] The order of interim bail dated 4th September, 2023 is made absolute on the terms and conditions incorporated therein.

2] The applicant shall regularly attend the proceedings before the jurisdictional Court.

Application disposed.

(N. J. JAMADAR, J.)