

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 2534 OF 2024

Gyan Murti Jha

...Applicant

Versus

The State of Maharashtra

...Respondent

SHRIKANT
SHRINIVAS
MALANI

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WITH

ANTICIPATORY BAIL APPLICATION NO. 2537 OF 2024

Vikas Ramesh Srivastava

...Applicant

Versus

The State of Maharashtra

...Respondent

- Mr. Hrituraj Singh, for Applicants.
- Mr. Sagar R. Agarkar, APP for Respondent in ABA/2534/2024.
- Mr. Tanveer G. Khan, APP for Respondent in ABA/2537/2024.

CORAM : MANISH PITALE, J.

DATE : 24th SEPTEMBER, 2024.

P. C. :

1. Heard learned counsel for the applicants and learned APPs for the respondent – State.

2. The applicants are apprehending arrest in connection with First Information Report No.0196 of 2024, dated 17.04.2024, registered at Police Station Hathkanangale, District Kolhapur, for offences under Sections 408 and 420 read with Section 34 of the Indian Penal Code, 1860 (IPC).

3. The informant in the present case is stated to be an Executive

Cluster of a company, wherein the applicant – Gyan Murti Jha was working as Business Development Head and applicant – Vikas Ramesh Srivastava was working as Business Head Retail. The allegation is that during the period between 07.02.2022 to 01.07.2022, there was pilferage of goods and hence misappropriation of amounts causing loss to the company. It is alleged that when the aforesaid aspect came to light and the applicants were confronted, they gave evasive answers.

4. The learned counsel for the applicants submits that the FIR is delayed. It is further submitted that the applicant – Vikas Ramesh Srivastava had sent e-mails to the concerned persons in the company about certain discrepancies being noticed as regards some of the retail outlets. No action was taken in that regard and only on the basis of suspicion the FIR has been registered against the applicants. It is further pointed out that in a similar FIR registered against the applicants concerning a different police station, this Court (Coram : Sarang V. Kotwal, J.), by orders dated 15.02.2024 and 23.02.2024, granted relief in Anticipatory Bail Application Nos.443 of 2024 and 512 of 2024. It is submitted that the applicants are ready to cooperate with the investigation and hence relief may be granted.

5. The learned APPs opposed the present applications, submitting that the statement, leading to registration of the FIR, makes out the

ingredients of the offences alleged against the applicants. It is submitted that being responsible officers of the said company, the applicants were expected to ensure proper delivery of goods to retail outlets. They gave evasive answers when discrepancies were noticed. Therefore, this Court may consider dismissing the applications.

6. Having considered the material on record, this Court is inclined to allow the applications for the following reasons :

- (i) Even according to the statement, leading to registration of the FIR, the alleged pilferage of goods and misappropriation occurred between 07.02.2022 to 01.07.2022. But, the FIR was registered on 17.04.2024, thereby demonstrating that the FIR could be said to be delayed.
- (ii) The material on record, other than raising suspicion against the applicants, does not demonstrate any link between them and the allegations leveled in the present case. There is no trail of money or any such material to show the involvement of the applicants in the alleged offences.
- (iii) As regards the FIR registered on identical allegations against the applicants, they were granted relief of

anticipatory bail by a coordinate Bench, rendering a finding that there is no material to link the applicants with the offences in question, other than suspicion raised by the informant.

7. Considering the aforesaid reasons, the present applications deserve to be allowed. Hence, the applications are allowed in the following terms :

- (A) In the event the applicants Gyan Murti Jha and Vikas Ramesh Srivastava arrested in connection with FIR No.0196 of 2024, dated 17.04.2024, registered at Police Station Hathkanangale, District Kolhapur, they shall be released on bail, on furnishing PR Bonds of ₹ 30,000/- each and one or two sureties in the like amount.
- (C) The applicants Gyan Murti Jha and Vikas Ramesh Srivastava, shall remain present before the Investigating Officer on 27th September, 2024 and 28th September, 2024, between 10:00 a.m. and 12:00 noon and thereafter as and when called by the Investigating Officer.
- (D) The applicants shall not tamper with the evidence in any manner. They shall not influence the informant, witnesses or any other persons concerned with the case.

8. Needless to say, violation of any of the aforesaid conditions may lead to cancellation of the present order.

9. It is also clarified that the observations made in this order are limited to the disposal of the present anticipatory bail application and the Trial Court shall proceed further in the matter without being influenced by the observations made hereinabove.

10. The applications are disposed of.

(MANISH PITALE, J.)