



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.2612 OF 2023**

Arvind Digambar Bharati ... Applicant
versus
State of Maharashtra ... Respondent

WITH
INTERIM APPLICATION NO.3766 OF 2023
IN
ANTICIPATORY BAIL APPLICATION NO.2612 OF 2023

Prashant Prabhakar Patil ... Applicant/Intervener
and
Arvind Digambar Bharati ... Applicant
versus
State of Maharashtra ... Respondent

WITH
ANTICIPATORY BAIL APPLICATION NO.2510 OF 2023

Amarsinh Sitaram Kshirsagar ... Applicant
versus
The State of Maharashtra ... Respondent

WITH
INTERIM APPLICATION NO.3784 OF 2023
IN
ANTICIPATORY BAIL APPLICATION NO.2510 OF 2023

Prashant Prabhakar Patil ... Applicant/Intervener
and
Amarsinh Sitaram Kashirsagar ... Applicant
versus
State of Maharashtra ... Respondent

Mr. A.R.Kapadnis i/by Mr. Prashant Kadam, for Applicant in ABA No.2612 of 2023.
Mr. M.V.Thorat with Mr. Amar Bodke, Ms. Trisha Choudhary for Applicant in ABA
2510 of 2023.

Mrs. Mahalaxmi Ganpathy, APP for State.
Mr. Ashok Tajane, for Intervener.

CORAM: N.J.JAMADAR, J.

DATE : 5 AUGUST 2024

P.C.

1. Heard the learned Counsel for the parties.
2. These applications are preferred for pre-arrest bail in connection with C.R.No.480 of 2023 registered with Fouzdar Chawadi Police Station for the offences punishable under Sections 417 and 420 read with Section 34 of the Indian Penal Code.
3. The applicants in the respective applications, were posted as Agricultural Officer and Chief Agricultural Officer with Lokmangal Mauli Industries Ltd. The factory had given contracts to cut and transport the sugarcane to the factory. The applicants were the members of the committee which had recommended the names of the contractors who were to cut and bring the sugarcane to the factory. The contractors allegedly induced the factory to part with a sum of Rs.62,15,440/-. However, the contractors committed default in rendering the services and thereby deceived the factory.
4. By an order dated 14 September 2023 passed in ABA No.2612 of 2023 and by an order dated 6 September 2023 passed in ABA No.2510 of 2023, the applicants were granted interim protection observing, inter alia, that the role attributed to the applicants is that of being the members of the committee which has recommended the names of the contractors who committed default. The question as

to whether the applicants also shared dishonest intention with the contractors who committed default, warranted consideration. It was in terms noted that the investigation would reveal whether in the subject transactions, the applicants had any wrongful gain.

5. Learned APP, on instructions of the IO, submits that the investigation has not revealed that any amount came to be transferred to either of the applicants. In substance, no money trail is found.

6. In the backdrop of the nature of the accusation, especially the role attributed to the applicants, the custodial interrogation of the applicants does not seem warranted to facilitate investigation. I am, therefore, impelled to make the orders of interim bail absolute.

7. Hence, the following order :

ORDER

(i) The Applications stand allowed.

(ii) The order dated 14 September 2023 in ABA 2612 of 2023 granting interim bail to the Applicant – Arvind Digambar Bharti is made absolute on the terms and conditions incorporated therein.

(iii) The order dated 6 September 2023 in ABA 2510 of 2023 granting interim bail to the applicant – Amarsinh Sitaram Kshirsagar, is made absolute on the terms and conditions incorporated therein.

(iv) The applicants shall henceforth appear before the IO as and when directed.

(v) In the event the chargesheet is lodged, the applicants shall regularly attend the proceedings before the jurisdictional Court.

(vi) By way of abundant caution, it is clarified that the observations made hereinabove are confined for the purpose of determination of the entitlement for pre-arrest bail only.

(vii) In view of the disposal of the Anticipatory Bail Applications, Interim Applications also stand disposed.

(N.J.JAMADAR, J.)