IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 132 OF 2024

Gaurav Vivek Pandey ..Applicant
Versus
The State of Maharashtra & Anr. ..Respondents

Mr. M. P. Mishra for Applicant.
Ms. Sharmila S. Kaushik, APP for State/Respondent.

CORAM :- SARANG V. KOTWAL, J.
DATE :- 17 JANUARY 2024

P.C. :-

1. The Applicant is seeking anticipatory bail in connection with C.R.No. 690 of 2023 registered at Kashimira Police Station, Mira-Bhayandar, on 10.10.2023, under Sections 381, 201 r/w. 34 of the Indian Penal Code.

2. Heard Mr. Mishra, learned counsel for the applicant and Ms. Sharmila Kaushik, learned APP for the State.

3. The F.I.R. is lodged by one Lalkrushna Sharma. He had started R Mart company. The present applicant was employed as

System Head. The F.I.R. mentions 10 other employees working at different levels in his company. His computer system was handled by the present applicant.

4. In September 2022, the informant came to know that there was difference in the entries regarding sale of goods. He made further enquiries and came to know that some of the entries were deleted from the system. The informant confronted the applicant but he went on leave for 10 days and then suddenly joined another company. The informant held meeting with the applicant and other employees and came to know that there was theft of Rs.37 lakhs. On this basis, the F.I.R. was lodged against the present applicant and 10 others.

5. Learned counsel for the applicant submitted that, he was appointed as I.T. head. He resigned on 21.04.2023 and thereafter the problems arose between the informant and the applicant; as a result, this false case is filed. He submitted that, there is no material in the form of CCTV footage or any other material showing that the applicant himself had deleted the entries

or had received the money.

6. Learned APP produced the investigation papers before me. Significantly, there is one certificate issued by one Nilesh Jadhav who had installed the software in the informant's shop. The password and login powers were given to the applicant. The power to do the work of making entries, entering inventory was given to the applicant. In June 2023, the informant asked him to verify the missing bills. This witness Nilesh Jadhav then examined the entries and found that several entries were deleted. He took out the list of deleted entries. Based on this the F.I.R. was lodged. Apart from this statement, the learned APP invited my attention to the WhatsApp messages exchanged between the applicant and another employee Sayali Pawar. Those messages clearly made out a case against the applicant wherein he has stated as to how he was deleting the entries and as to how the money was to be kept aside. Learned APP, on instructions, submitted that the investigation has revealed that total loss caused to the informant was around Rs.31 lakhs.

7. I have considered these submissions made by the learned counsel for the applicant, as well as, the material produced before me by the learned APP. The material produced by the investigating agency is strongly incriminating against the present applicant. The statement of Nilesh Jadhav and the messages exchanged between the applicant and the co-accused Sayali Pawar are incriminating. The applicant's complicity is clearly shown. His custodial interrogation is necessary to find the details of the offence and to find the money trail. Considering this discussion, no case for grant of anticipatory bail order is made out.

8. The application is rejected.

(SARANG V. KOTWAL, J.)