

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

Anticipatory Bail Application No. 2910 of 2021

Mr Hayagrib Harekrushna Guru v/s. The State of Maharashtra (Through Pimpri Police Station)	...	Applicant
	...	Respondent

Mr Tarun Sharma, advocate a/w. Ms. Varsha Sharma, for the applicant.

Mr Kiran C. Shinde, APP for the State.

CORAM : SANDEEP V. MARNE, J.

DATE : 21st March 2024

P.C. :

This is an application for pre-arrest bail under Section 438 of the Code of Criminal Procedure in connection with C.R. No.491 of 2021 registered with Pimpri Police Station for the offences punishable under Sections 409,406,392,384,420,418,506 read with Section 34 of the Indian Penal Code.

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The applicant is a Director of M/s. Guruji Infrastructure Pvt. Ltd. which was awarded contract by Pimpri Chinchwad Municipal Corporation for cleaning of roads and gutters in the jurisdiction of the said Municipal Corporation. It appears that for execution of the said contract M/s. Guruji Infrastructure Pvt. Ltd.

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has engaged as many as 289 contract employees. It appears that complaints were made about non-payment of full amount of wages to the contract workers who were engaged for execution of the contract. The Municipal Corporation conducted enquiry and enquiry report was submitted which revealed that some amounts were forcibly withdrawn from the bank accounts of the contract workers. Based on the report of the Municipal Corporation, first information report was lodged in Pimpri Chinchwad Police Station. Shri Swapnil Kale, Pramokumar Praful, Kartik Suryamani Tarai and Chandrakala Magar were arrested on the allegation of forcible withdrawal of amounts of Rs.4000/- from various contract workers out of the monthly wages of Rs.13,000/- deposited in their accounts. The police recovered 55 ATM cards from the said arrested accused. Since applicant is the Director of the contracting company Guruji Infrastructure Pvt. Ltd., he sought pre-arrest bail from Sessions Court which came to be turned down by order dated 16th November 2021.

3. This Court granted interim protection to the applicant by order dated 13th December 2021.

4. The learned Advocate appearing for the applicant would invite my attention to the affidavit sworn in by the applicant in September 2022. It is submitted that affidavits of various contract workers are attached alongwith the said affidavit. That the affidavits

were sworn in by the concerned contract workers after they were paid their dues which are alleged to have been forcibly withdrawn from their accounts. The learned counsel would submit that payment of various amounts were made to the contract workers in presence of the municipal officials and only after receipt of their dues, the concerned workers have executed the said affidavits. The learned counsel would submit that based on the said affidavits, applicant has applied before this Court for quashing of the FIR and the proceedings.

5. Be that as it may, the applicant is protected by this Court since 13th December 2021. In that view of the matter, the application need not be kept pending any further. It appears that the contract workers are paid the amounts which were forcibly withdrawn from their accounts. It appears that on account of lodging of FIR, the firm of the applicant had been blacklisted and denied contracts by other local authorities.

6. Considering the overall aspects of the case, in my view, the interim protection granted in favour of the applicant can be made absolute by disposing of the application.

7. Accordingly, Anticipatory Bail Application is allowed by making the interim order dated 13th December 2021 absolute. The applicant shall report in the Pimpri Police Station as and when called

for investigation and shall co-operate with the investigating officer.

8. The Anticipatory Bail Application is accordingly disposed of.

SANDEEP V. MARNE, J.

Lata Panjwani, P.S.