

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

ANTICIPATORY BAIL APPLICATION NO. 3373 OF 2022

Kamleshmukar Ramnarayan Sahu	..Applicant
Versus	
The State of Maharashtra	..Respondent

**WITH
INTERIM APPLICATION NO. 4242 OF 2022**

Shambhu Kumar Das	..Intervenor.
-------------------	---------------

In the matter between:

Kamleshmukar Ramnarayan Sahu	..Applicant
Versus	
The State of Maharashtra	..Respondent

Mr. Pradeep Singh a/w. Ravindra Nagarkoti i/b. Aiqan Memon for Applicant.
Ms. Mahalakshmi Ganapathy, APP for State/Respondent.
Mr. Jyotiram S. Yadav for Intervenor.

**CORAM : SARANG V. KOTWAL, J.
DATE : 2 FEBRUARY 2024**

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.685 of 2022 registered at Navghar Police Station, Mira Bhayandar, on 12.09.2022, under sections 420 and 406 of the

VINOD
BHASKAR
GOKHALE

Digitally signed by
VINOD BHASKAR
GOKHALE
Date: 2024.02.06
11:35:42 +0530

Indian Penal Code.

2. Heard Mr. Pradeep Singh, learned counsel for the applicant, Ms. Mahalakshmi Ganapathy, learned APP for the State and Mr. Jyotiram Yadav, learned counsel for the Intervenor.

3. The F.I.R. is lodged by one Shambhukumar Das. He has stated that he had a company with his partners by the name United Fire Safety Industries. Their company used to make fire fighting instruments. They had total 63 employees working in their company. The applicant was a Sales Executive. It is alleged that the applicant started his own company in the year 2018 by the name Vritika Fire Safety Industries with his partner Anil Singh who was also working in the informant's company earlier. It is alleged that, they used the customers list from the informant's company and diverted their customers. They earned profit from that. They purchase a gala for their company. It is alleged that the applicant also purchased one room at Vasai. The applicant started one more company by the name ACE Fire Safety Industries. According to the informant, thus, the applicant had caused wrongful loss of

Rs.32,44,406/- to the informant's company. On this basis, the F.I.R. was lodged.

4. During the course of arguments before the earlier bench of this Court, a question cropped up about non compliance with all the terms of an MoU executed between the informant and the applicant. By that MoU the applicant was to handover and transfer the gala in favour of the informant. Considering that statement, this Court (Coram: S. M. Modak, J.) vide the order dated 05.06.2023 had noted that the applicant was ready to complete the remaining formalities. The applicant was already protected vide the order dated 10.04.2023.

5. Today, learned counsel for the applicant made a statement that the formalities of transferring the gala and handing over possession was completed and it stands in the name of the complainant company. The possession is also with the informant.

6. Learned counsel for the Intervenor-first informant agrees that the statement is true. However, he submitted that the wrongful loss is much higher and the said gala is a small part of

the wrongful loss.

7. Learned APP relied on the allegations in the F.I.R.

8. I have considered these submissions. This F.I.R. was lodged on 12.09.2022. The offence is pending since 2022. The applicant is on interim protection for a long time. He has honoured his commitment made before the Court; as was directed in the previous two orders mentioned herein above. Though, the F.I.R. quantifies loss of Rs.32,44,406/-, no details are given as to how that figure was arrived at.

9. Considering this over all situation, in this background, custodial interrogation of the applicant will not serve any purpose. It is sufficient if the applicant co-operates with the investigation.

10. Hence, the following order :

ORDER

- i) In the event of his arrest in connection with C.R.No.685 of 2022 registered at Navghar Police Station, Mira Bhayandar, the applicant is directed to be released on bail on his executing P. R. bond

in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.

- ii) The Applicant shall attend the concerned Police Station as and when called and shall cooperate with the investigation.
- iii) The Application is disposed of.
- iv) With disposal of the main application, the interim application is also disposed of.

(SARANG V. KOTWAL, J.)