

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

ANTICIPATORY BAIL APPLICATION NO. 217 OF 2024

Rahul Rajendra Mote	..Applicant
Versus	
The State of Maharashtra	..Respondent

**WITH
ANTICIPATORY BAIL APPLICATION NO. 218 OF 2024**

Sambhaji Satyabhan Nikam	..Applicant
Versus	
The State of Maharashtra	..Respondent

Mr. Ghanasham Jadhav for Applicants in both ABAs.
Ms. Pallavi N. Dabholkar, APP for State/Respondent.
Mr. Ranjeet M. Pawar for the first informant in both ABAs.

CORAM :- SARANG V. KOTWAL, J.
DATE :- 25 JANUARY 2024

P.C. :-

1. In both these matters, today a common order is passed because they arise out of the same registered offence.
2. The Applicants are apprehending their arrest in connection with C.R.No. 943 of 2023 registered at Baramati Police Station, Pune Rural, on 08.11.2023, under Sections 406 and 408 r/w. 34 of the Indian Penal Code.

3. Heard Mr. Ghanasham Jadhav, learned counsel for the applicants, Ms. Pallavi Dabholkar, learned APP for the State and Mr. Ranjeet Pawar, learned counsel for the first informant.

4. Learned APP is seeking time as the investigating officer is not present. Therefore, though I am adjourning the matters, I have heard the parties for consideration of ad-interim relief.

5. The F.I.R. is lodged by one Kondiba Kitture who was working as Senior Manager Admin with Baramati Agro Ltd. Another company named Protrons Suppliers Chain Management merged in the informant's company in the year 2021. At that time, some of the vehicles belonging to the Protrons Suppliers company were transferred to the Baramati Agro Ltd. At that time, the applicant Sambhaji Nikam was the Senior Manager and the applicant Rahul Mote was the Assistant Manager in charge of those vehicles. Subsequently, it was noticed that, some important parts of the refrigeration unit fixed in those vehicles for cold storage were missing. The audit showed that the parts like compressors, motors, engines etc. worth Rs.54,64,000/- were missing. The F.I.R.

mentions that, both these applicants had illegally caused sale of those parts. On this basis the F.I.R. was lodged.

6. Learned counsel for the applicants submitted that the job of both these applicants was only in respect of the transport. They were not concerned with the maintenance and transfer of the vehicles as such. He further submitted that the applicant Sambhaji had replied to a notice received by him and had stated that all those cold storage refrigeration unit parts were fixed in their plaint in the factory. Those parts are not missing.

7. This claim made by the applicant Sambhaji needs to be verified by the investigating agency. The applicants will have to explain these facts to the investigating agency. Therefore, to that extent the applicants can be protected with directions to them to co-operate with the investigation.

8. Hence, the following order.

ORDER

- i) In the event of their arrest in connection with C.R.No. 943 of 2023 registered at Baramati

Police Station, Pune Rural, till the next date, the Applicants be released on bail on their executing P. R. bonds in the sum of Rs.30,000/- each (Rupees Thirty Thousand Only) with one or two sureties each in the like amount.

- ii) This order shall operate till 07/03/2024.
- iii) The Applicants shall attend the concerned Police Station from 12/02/2024 to 15/02/2024 between 1.00p.m. to 5.00p.m. and thereafter as and when called and shall cooperate with the investigation.
- iv) Stand over to 07/03/2024.

(SARANG V. KOTWAL, J.)