

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

**ANTICIPATORY BAIL APPLICATION NO. 552 OF 2024**

Shivakumarbabu Kondannagari ..Applicant  
Versus  
The State of Maharashtra & Anr. ..Respondents

Mr. Kuldeep U. Nikam for Applicant.  
Mr. C. D. Mali, APP for State/Respondent.

**CORAM :- SARANG V. KOTWAL, J.  
DATE :- 29 FEBRUARY 2024**

**P.C. :-**

1. The Applicant is seeking anticipatory bail in connection with C.R.No.509 of 2023 registered at Nigdi Police Station, Pimpri-Chichwad, on 14.08.2023, under Section 406 of the Indian Penal Code.

2. Heard Mr. Kuldeep Nikam, learned counsel for the applicant and Mr. Mali, learned APP for the State.

3. The F.I.R. is lodged by one Santosh Purohit who was working with Garware Technical Fibers Ltd. in the legal department as Manager. The gist of the F.I.R. is that the informant's company had Supply Chain department. One

Hemchandra Rao had placed an order of nylon net in April and May 2023. He had paid Rs.4,50,000/-. Subsequently it transpired that, Hemchandra Rao did not receive those goods. Even the dealer who was to complete that order had not received the goods. Therefore, the informant's company made enquiries. The F.I.R. mentions that one Sudip Sinh was Head of the agriculture department. The F.I.R. mentions that Sudip did not give satisfactory answers. According to the informant, Sudip had misappropriated the goods worth Rs.4,49,348/-. On this basis, the F.I.R. was lodged.

4. Learned counsel for the applicant submitted that, his name is not mentioned in the F.I.R. The allegations are specifically attributed against Sudip Sinh. He fairly submitted that the informant's company was heard at the time of deciding anticipatory bail application by the Sessions Court.

5. Learned APP submitted that, there is a statement of one Ketan Kulkarni which reflects the applicant's role. He further submitted that the applicant is residing in Andhra Pradesh. He is

not remaining present in spite of service of notice.

6. Considering both these submissions, I deem it necessary to hear the first informant as he was heard in the Sessions Court. Till he is heard, the applicant can be protected by ad-interim relief with directions to appear before the investigating agency.

7. Hence, the following order.

### **ORDER**

- i) Learned counsel for the applicant shall add the first informant as a party respondent. Amendment shall be carried out forthwith.
- ii) Issue Notice to the added respondent, returnable on 08.04.2024.
- iii) In the event of arrest of the applicant in connection with C.R.No.509 of 2023 registered at Nigdi Police Station, Pimpri-Chichwad, till the next date, 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.

- iv) This order shall operate till 08/04/2024.
- v) The Applicant shall attend the office of the investigating agency from 11/03/2024 to 13/03/2024 between 1.00p.m. to 5.00p.m. and thereafter as and when called and shall cooperate with the investigation.
- vi) Stand over to 08/04/2024.

**(SARANG V. KOTWAL, J.)**