

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

ANTICIPATORY BAIL APPLICATION NO. 1047 OF 2024

Adwait Pratap Ramshiromani Singh	..Applicant
Versus	
The State of Maharashtra	..Respondent

Mr. Ankit Pandey i/b. Sanket Salgaonkar for Applicant.
Mr. Nitin B. Patil, APP for State/Respondent.

CORAM :- SARANG V. KOTWAL, J.
DATE :- 18 APRIL 2024

P.C. :-

1. The Applicant is seeking anticipatory bail in connection with C.R.No.210 of 2024 registered at Chakan Police Station, Pune, on 29.03.2024, under Sections 420, 408, 201 r/w. 34 of the Indian Penal Code.
2. Heard Mr. Ankit Pandey, learned counsel for the applicant and Mr. Nitin Patil, learned APP for the State.
3. The F.I.R. is lodged by one Dr. Avinash Ankush. He has stated that, his wife has a petrol pump at Bhose since 2009. She is a dealer of that petrol pump of the Indian Oil Company. The

informant retired from the B.M.C. in the year 2021 and after that he started looking after the business of the said petrol pump since August 2023 as the Manager.

4. One Siddharth Lagad was the Chief Manager of the petrol pump since 2009. He was assisted by the present applicant as the Assistant Manager. It is the case of the informant that, since 2009 there used to be shortage in the stock of the petrol and diesel every month. The informant made enquiries and came to know that the driver of their tanker had made modification in the tanker and had misappropriated the diesel. Therefore, C.R.No.483 of 2021 was registered at Chakan police station. It is the case of the informant that the said offence was in respect of shortage of diesel, but there was shortage of petrol, as well. There are allegations that, E-Ledgers in the computer were not found of the customers before the year 2019. Therefore, it was alleged that, both these accused had deleted those entries. There is specific allegation about misappropriation of Rs.3,60,166/- which were paid by the customer namely Krushna Road lines, Chakan. There was no trace of that amount. There are allegations that both the accused are

responsible for shortage of the stock of petrol and diesel. Those were misappropriated. There are further allegations that the accused and the co-accused had purchased the properties beyond the means of their salary. There are allegations that, total misappropriation was to the tune of Rs.96 lakhs. On this basis, the F.I.R. was lodged.

5. Learned APP produced the statements of some of the witnesses who support the allegations in the F.I.R. to some extent, particularly, in respect of allegation of misappropriation of Rs.3,60,166/-. There is a statement of one employee Lahu Khandagale. He has stated that, before 2017 both, the applicant and the co-accused were not carrying on daily checking of the stock through nozal. Another employee Munna Prasad stated that the accused sometimes used to draw petrol and diesel in a huge quantity.

6. Learned counsel for the applicant submitted that, all these allegations are vague. The applicant was working with the said petrol pump since 2009 upto July 2023. This is a long period

and it is impossible that if this offence was being committed over that period, it would not come to light. Regular audits were conducted and no such allegations were made in all these years. The maintenance of data in the computer is the job of accounts department and, therefore, the applicant cannot be held responsible if some entries are not found. The statements of the employees are not reliable because they are still working with the petrol pump. They had made no grievance in the past at all. He further submitted that, C.R.No.483 of 2021 referred to herein above was a result of the diligence shown by the applicant himself and at that point itself it could have been investigated as to whether there was shortage of petrol. Learned counsel submitted that the applicant has purchased the property by obtaining loan and some of the properties mentioned in the F.I.R. do not belong to him at all.

7. All these points raised by the learned counsel for the applicant merit response from the investigating agency. Therefore, at this stage, the applicant can be protected by way of ad-interim relief with direction to attend the concerned police station.

8. Hence, the following order.

ORDER

- i) In the event of his arrest in connection with C.R.No.210 of 2024 registered at Chakan Police Station, Pune, 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.
- ii) This order shall operate till 14/06/2024.
- iii) The Applicant shall attend the concerned Police Station from 24/04/2024 to 26/04/2024 between 1.00p.m. to 5.00p.m. and thereafter as and when called and shall cooperate with the investigation.
- iv) Stand over to 14/06/2024.

(SARANG V. KOTWAL, J.)