

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1195 OF 2024

Siddharth Bhaguji Lagad ... Applicant
Vs.
State of Maharashtra ... Respondent

WITH
INTERIM APPLICATION NO.3623 OF 2024
IN
ANTICIPATORY BAIL APPLICATION NO.1195 OF 2024
ALONG WITH
ANTICIPATORY BAIL APPLICATION NO.1047 OF 2024

Adwait Pratap Ramshiromani Singh ... Applicant
Vs.
State of Maharashtra ... Respondent

WITH
INTERIM APPLICATION NO.3622 OF 2024
IN
ANTICIPATORY BAIL APPLICATION NO.1047 OF 2024

Mr. Nikhil Ghatge i/b. Mr. Sanket S. Salgaonkar for Applicant in ABA/1195/2024.

Ms. Dhruti Chheda a/w. Mr. Aniket Pandey i/b. Mr. Sanket S. Salgaonkar for Applicant in ABA/1047/2024.

Mr. Sujay Gawade a/w. Ms. Mudita Pawar and Ms. Manasi Sawant i/b. Shree & Co. for Applicant in IA/3623/2024 and IA/3622/2024.

Mr. H. J. Kambale, H.C. Chakan Police Station.

CORAM : MANISH PITALE, J.
DATE : DECEMBER 05, 2024

P.C. :

1. Heard learned counsel for the applicant and learned APP for the respondent-State.

2. In both these applications, this Court (Coram : Sarang V. Kotwal, J.) granted interim relief in favour of the applicants. It is noted that in the

application of the applicant in ABA No.1047 of 2024, interim order was passed on 18.04.2024 and in the application of the applicant in ABA No.1195 of 2024, interim order was passed on 30.04.2024. This Court, while granting interim relief, issued specific directions, including a direction to the applicants to appear before the concerned police station on specific dates.

3. The learned APP, on instructions, submits that the applicants did appear before the investigating officer in terms of the directions issued by this Court. But, in response to specific questions, it can be said that they are not responding in appropriate manner and therefore, the investigating officer is insisting on custody of the applicants.

4. The learned counsel for the applicants reiterated the submissions made before this Court when interim relief was granted. It is submitted that sufficient explanation is placed on record as regards properties belonging to the applicants and merely because they have purchased certain properties, criminal liability cannot be foisted upon them so long as there is no material to indicate any wrongdoing on their part.

5. The learned APP as well as the learned counsel appearing for the intervenor (first informant) have vehemently opposed the aforesaid submissions. It is submitted that the report of the Chartered Accountant annexed to the intervention application, as well as certain data placed on record, showing meter readings from June 2019 onwards of the concerned petrol pump would show that there are glaring shortages and the applicants could be said to be directly responsible for the same as they were in-charge of the petrol pump at the relevant point in time.

6. This Court has perused the FIR, as also the documents filed along with the application as well as the intervention application. The FIR itself shows that according to the informant, the grievance pertains to the

year 2019 till the date of filing of the FIR. It is already noted in the interim orders passed by this Court that for all these years, there is nothing on record to show as to in what manner regular audits were conducted and if so, whether there was any material to show the alleged shortages and the involvement of the applicants in that regard.

7. As regards the report of the chartered accountant placed on record by the intervener, it can be said that the same could be a self-serving statement, furthering the interest of the informant. In any case, even if the contents thereof are to be taken into consideration, it is evident that as recently as on 21.08.2024, the Chartered Accountant has given certificate with regard to the alleged shortfalls from the year 2009-2010 onwards.

8. It is to be noted that conducting regular audits and maintaining such data would be the responsibility of the concerned persons associated with the petrol pump. The allegation that since the applicants were in-charge of everything, criminality is to be foisted upon them, *prima facie* does not appear to be logical. As regards properties massed by them, the applicants have given a semblance of explanation on the basis of documents filed with the application. It is also brought to the notice of this Court that one of the applicants himself had caused an FIR to be registered on 23.04.2021 in the context of shortfall and pilferage, concerning the said petrol pump. The aforesaid material, at this stage, does indicate a *prima facie* case in favour of the applicants.

9. The applicants have undertaken to continue to co-operate with the investigation and therefore, in addition to the reasons recorded in the interim orders passed in favour of the applicants, for the observations made hereinabove, the applications deserve to be allowed.

10. Accordingly, the interim orders passed in favour of the applicants

are made absolute and the applications are allowed, subject to the applicants continuing to co-operate with the investigation, including appearing before the investigating officer as and when called. The applicants shall not tamper with the evidence and they shall not influence the informant, witnesses or any person concerned with the case.

(MANISH PITALE, J.)

Minal Parab