

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

ANTICIPATORY BAIL APPLICATION NO. 1051 OF 2024

Vivek Suresh Munjwadker

..Applicant

Versus

The State of Maharashtra

..Respondent

Mr. Pranil Sonawane a/w. Deepak H. for KLS Legal for Applicant.

Ms. Poonam P. Bhosale, 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. 46 of 2024 registered at Gangapur Police Station, Nashik, on 22.02.2024, under Sections 406, 409, 467, 468 and 471 r/w. 34 of the Indian Penal Code.

2. Heard Mr. Pranil Sonawane, learned counsel for the applicant and Ms. Poonam Bhosale, learned APP for the State.

3. The F.I.R. is lodged by one Diya Verma. She has stated that, she was the Director of M/s. Newchem Sunraysia Pvt. Ltd. The business of the company was sale of fertilizers and pesticides

and other goods related to agriculture. For that purpose, the company had appointed the Distributors and stockists. The present applicant joined the company at Nashik since 2010 as a Manager. Thereafter, he was promoted to the position of Sales Manager in the year 2011 and then he was also given responsibilities of Director. He worked there till 10.07.2023. It is alleged that the applicant had committed various offences. He had taken some goods on the pretext of showing them to the customers. Instead of returning it back to the company it was sold directly to various customers and he had misappropriated the amount of more than Rs.13 lakhs. There are allegations that, he had kept some of the goods in some exhibition and had not returned those goods causing loss of more than Rs.10 lakhs. Some goods were directly sold without preparing any invoice; that amount was to the tune of more than Rs.28 lakhs. He had prepared the forged documents causing loss of Rs.34 lakhs. There are allegations that, he had secret and important data of the company which he was likely to misuse. It is alleged that, the total loss caused to the company was to the tune of more than Rs.1 crore. On these allegations the F.I.R.

was lodged.

4. Learned counsel for the applicant submitted that the allegations in the F.I.R. are quite vague. The applicant is targeted by the company after he had left the company because of internal politics. He submitted that, initially, the informant had approached E.O.W. Nashik in September 2023 onwards, however, no F.I.R. was lodged. During that enquiry the applicant had co-operated. Ultimately, the present F.I.R. is lodged against the present applicant. The applicant is being targeted and harassed.

5. Learned APP produced the investigation papers before the Court which contain statements of the current employees of the company. There are allegations supporting the F.I.R. There are additional allegations that the applicant used to submit the same bills for his travel on more than one occasion and thus used to cheat the company.

6. I have considered these submissions. The allegations in the F.I.R. are not very specific. The period of offence is spanning from 2010 to 2023. The allegations do not make any reference to

particular exhibition or to the particular dates on which the applicant had taken the goods and he had sold them to third parties. In view of this, the applicant deserves a chance to explain his position before the investigating agency. Therefore, as of today, the applicant can be protected by way of ad-interim order.

7. Hence, the following order.

ORDER

- i) In the event of his arrest in connection with C.R.No. 46 of 2024 registered at Gangapur Police Station, Nashik, 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 19/06/2024.
- iii) The Applicant shall attend the concerned Police Station from 06/05/2024 to 08/05/2024 between 1.00p.m. to 5.00p.m. and shall cooperate with the investigation.
- iv) Leave to amend to annex a copy of the order passed by the Sessions Court rejecting the

applicant's anticipatory bail application, is granted.

- v) Amendment shall be carried out within a period of two weeks from today.
- vi) Stand over to 19/06/2024.

(SARANG V. KOTWAL, J.)