

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

Anticipatory Bail Application No.1558 of 2024

Dr. Mahendra Dashrathrao Kshirsagar

Age 59 years, Occ: Professional,

r/a. Plot no.85, K.T.Nagar,

VTC-Katol Road, Nagpur-440013

... Applicant.

Vs.

The State of Maharashtra

(through Sr.Inspector of Police,

Pydhonie Police Station, Mumbai)

.... Respondent.

Mr Dattatray Adarkar for the applicant.

Ms Pallavi Dabholkar, APP for the respondent/State.

API Santosh Rasam, Pydhonie police station is present.

Coram: R. N. Laddha, J.

Date : 18 June 2024.

P.C. :-

Heard Mr Dattatraya Adarkar, the learned Counsel appearing on behalf of the applicant, and Ms Pallavi Dabholkar, the learned Additional Public Prosecutor representing the respondent/ State.

2. This is an application for pre-arrest bail filed by the applicant, apprehending arrest in CR No.496 of 2020,

registered at VP Road Police Station, Mumbai, and presently investigated by Pydhonie Police Station, for offences punishable under Sections 406, 408, 409, 420 read with 34 of the Indian Penal Code.

3. It is the case of the prosecution that on 12.11.2020, Nirav Panchmatiya, a co-founder, shareholder and former director of Magnus Health Management Pvt Ltd (MHMPL), a company in the pharmaceutical sector, reported that accused No.1 Ashish Gore, initially visiting MHMPL as a Medical Representative claimed to have extensive experience in marketing radiology products. Impressed by his proposed business plan, MHMPL's directors appointed Ashish Gore as a director in 2013, responsible for the company's sales and networking.

4. Further, it is alleged that soon after becoming director, Ashish Gore (Accused No.1) introduced the applicant/accused to MHMPL. On 21.11.2013, MHMPL signed a contract with the applicant to manufacture trademarked medical goods and drugs under the MHMPL brand. Accused No.1 Ashish Gore, leveraging his directorial position, hired staff without other directors' involvement. During the wait for Zentek's

license, accused No.1 recommended starting a Dermatology drug business which was profitable but led to overall losses for MHMPL. Consequently, the company ceased to sell the product; however, accused No.1 continued sales through Sai Enterprises and Meditek Agencies, pocketing all earnings. The decrease in annual turnover raised suspicions amongst the directors of potential foul play. Further, it is the prosecution's case that, to find evidence against accused No.1, they engaged a CA firm to conduct an audit. The audit revealed that accused No.1 has been misrepresenting the sales and revenue of MHMPL for personal benefit, leading to significant losses.

5. It is alleged that the applicant along with the co-accused, in furtherance of their common intention, deceived the MHMPL. The applicant assisted accused No.1 in this deceitful act for his personal gain, causing financial loss to the company.

6. Mr Dattatraya Adarkar, learned Counsel appearing on behalf of the applicant, submits that applicant is nowhere concerned with the crime and there is no material linking him to the crime. The dispute stems from financial losses incurred by MHMPL, leading to a civil dispute over trademark

infringement. The complainant, claiming to be a director of MHMPL, was removed from his position by Government order on 1.11.2016 and no specific role is attributed to him in the FIR, which was filed four years back. The investigation is almost complete. The bank accounts of accused No.1 and his father were already frozen. Accused No.1 was arrested on 02.05.2024.

7. Conversely, the learned Additional Public Prosecutor, representing the respondent/State, on instructions from the investigating officer, states that the applicant has complied with this Court's order dated 12.06.2024 by attending the police station and submitting all material necessary for the investigation. The investigation is almost complete, and there is no need for the custodial interrogation of the applicant. Further the learned APP, on instructions, extends consent to grant anticipatory bail to the applicant.

8. Perused the material available on record. Considering that the investigation is on the verge of the completion and prosecution does not need the custodial interrogation of the applicant and extends consent to grant anticipatory bail to the applicant, the application stands allowed in the following

terms.

(i) In the event, the applicant is arrested in connection with CR No.496 of 2020, registered at VP Road Police Station, Mumbai, and transferred to Pydhonie Police Station, he shall be released on bail on furnishing a PR Bond of Rs.25,000/-, with one or more sureties in the like amount.

(ii) The applicant shall attend the police station as and when required.

(iii) The applicant himself or through any other person shall not indulge in any activities that would tamper with the evidence or influence the witnesses.

9. The application stands disposed of accordingly.

[R. N. Laddha, J.]