

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

ANTICIPATORY BAIL APPLICATION NO. 1583 OF 2024

Rupesh Eknath Dhamnaskar

Aged about 38 years, Occ. Service,

R/at.: Room No.22, Lal Chawl,

Kakasaheb Gadgil Marg, Opp.

Siddhivinayak Hospital,

Prabhadevi, Mumbai – 400 025.

..Applicant

Vs.

The State of Maharashtra & Anr.

C.R. No.118/2024, Turbhe Police Station

..Respondents

Mr. Abhishek Kamble a/w. Mr. Pranit Sonawane, for the Applicant.

Mr. Avinash A. Naik, APP for the Respondent – State.

PSI Mahendra Doke, Turbhe Police Station Navi Mumbai present.

CORAM : R. N. LADDHA, J.

DATE : 13 JUNE 2024

P.C.

. Heard Mr Abhishek Kamble, the learned Counsel representing the applicant, and Mr Avinash Naik, 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.118 of 2024, registered

at Turbhe MIDC Police Station, Navi Mumbai, Thane, for the offence punishable under Section 408 of the Indian Penal Code.

3. The prosecution alleges that the applicant, employed as a manager by the first informant, misappropriated Rs.50,000/- from the first informant's service centre. The incident occurred on 31 June 2023; however, the first informant became aware of the misappropriation in March 2024 while conducting an audit. This triggered the first informant to lodge the present crime.

4. Mr Abhishek Kamble, the learned Counsel, appearing on behalf of the applicant, submits that the first informant lodged the FIR in anger as there was a dispute with the applicant on account of misplaced car keys from the showroom. There is no evidence to show that the applicant embezzled Rs.50,000/- from the service centre of the first informant. The applicant is ready to deposit Rs.50,000/-, the alleged amount, before the trial Court. He further submits that several persons handle the computer system in the showroom.

5. Mr Avinash Naik, the learned Additional Public Prosecutor opposing the application, submits that the applicant has criminal antecedents. The applicant transferred the amount to his own account. The learned APP submits that the investigation is almost complete, and the charge sheet will be filed in a couple of days.

6. Upon perusing the record, it transpires that the

investigation appears to be on the verge of completion. The applicant is ready to deposit the amount of Rs.50,000/-. In the circumstances, the custodial interrogation of the applicant is not warranted. The apprehension of the prosecution that the applicant may tamper with the evidence/ witnesses can be addressed by imposing appropriate conditions. Accordingly, this Court is inclined to allow the present application in the following terms:

- (i) In the event of the applicant's arrest in CR No.118 of 2024, registered at Turbhe MIDC Police Station, Navi Mumbai, Thane, the applicant shall be released on bail upon furnishing a PR Bond of Rs.25,000/- with one or two sureties in the like amount, subject to the condition that the applicant shall deposit an amount of Rs.50,000/- in the trial Court within two weeks from the date of uploading of this order. The trial Court, however, shall not allow the withdrawal of this amount until the conclusion of the trial.
- (ii) The applicant shall cooperate with the investigation and attend the police station as and when required.
- (iii) The applicant shall not, himself or through any other person, indulge in any activity that would tamper with the evidence or influence the witnesses.

7. The application is disposed of accordingly.

R. N. LADDHA, J.