IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 2275 OF 2024

Anil Dagdusa Kshatriya ...Applicant

Versus

The State of Maharashtra ...Respondent

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- Ms. Sushma Mishra, for the Applicant.
- Mr. Tanveer Khan, APP for Respondent – State.
- Mr. K.D. Sapkal, PSI, EOW, Pimpri Chinchwad.

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CORAM : MANISH PITALE, J.

DATE : 21st August, 2024.

P. C. :

1. Heard, Ms. Mishra learned counsel for the applicant and Mr. Khan, the learned APP for the respondent – State.

2. By this application the applicant is seeking anticipatory bail as he apprehends arrest in connection with First Information Report No.0701 of 2024 registered on 31.05.2024, at Police Station Hinjewadi, Pimpri Chinchwad, for offences under Sections 406, 419, 420, 465, 467, 468, 471 and 120-B read with Section 34 of the Indian Penal Code (IPC).

3. The applicant is one of the 14 persons named as accused in the present FIR.

4. Broadly the grievance of the informant appears to be that the two main accused persons i.e. Vasudatta Dubey and Chandrakant More befriended

him and taking advantage of the good relations that had developed, gave an offer to the informant that if he invested ₹ 1 Crore, he would be returned ₹ 1.75 Crores, within one month. Due to the aforesaid inducement, the informant was allegedly lured into parting with an amount of ₹ 1 Crore, but, the promised return never materialized. During this process, the informant claims that he got possession of the mobile phone of accused Vasudatta Dubey. In the whatsapp chats found on the said mobile phone, the informant found a *modus operandi* adopted by the said Vasudatta Dubey and Chandrakant More of duping the innocent illiterate persons by misusing their identity papers, including Aadhar Cards, Pan Cards etc. It is alleged that such documents were utilized for getting appointment letters issued from a company in which the applicant was working as Head of Human Resources. It is alleged that after such appointment orders were issued to the illiterate innocent persons, it was shown that salaries were paid for a couple of months. On that basis, loans were obtained in their names, but subsequently, the services of such persons were terminated. The loans amounts were allegedly diverted by the main accused persons in their favour, thereby duping the innocent persons.

5. The learned counsel for the applicant submits that in the present case, the persons in-charge of the said company, wherein the applicant was working may be involved in the *modus operandi* indicated by the informant

but, the applicant being merely an employee of the said company, cannot be held criminally liable. Attention of this Court is invited to documents filed along with the application, to claim that much before the registration of the FIR, the applicant had been warning the owner of the company that such appointment orders may not be issued and that in any case, persons in whose favour such appointment orders were issued, had not submitted their relevant documents. It is claimed that such correspondences supports the contention of the applicant that he was merely acting as an employee and that in any case he is not a beneficiary of the alleged scam.

6. The learned APP submits that the elaborate statement of the informant, leading to registration of the FIR describes the role of each of the accused persons, including the present applicant. It is submitted that the ingredients of the offences are made out. Reference is made to the investigation papers, particularly appointment orders and orders terminating the services of such individuals, which were all issued under the signature of the applicant. It is submitted that the role of the applicant is therefore, evident from the material available on record and hence, the present application may not be entertained.

7. This Court has considered the material on record. The statement of the informant, leading to registration of the FIR is indeed a detailed

statement. The role of the accused persons has been described by the informant. Insofar as the applicant is concerned, the only allegation appears to be that the applicant, as the head of Human Resources of the aforementioned company, along with the co-accused person Madhusudan Bhor and the Chartered Accountant of the company Sagar Kokate, issued the forged appointment letters, thereby playing an active role in the conspiracy.

8. This Court has perused the investigation papers, which indeed show that the appointment orders and also orders terminating the services of such persons were signed by the applicant as head – Human Resources. The aforesaid act is not denied even by the applicant himself. But, the principal contention raised on behalf of the applicant is that he issued the said orders merely as an employee of the company and on the directions of the management of the said company.

9. This Court has perused the e-mails placed on record, including the e-mails dated 09.11.2023 and 20.11.2023, addressed by the applicant to co-accused Madhusudan Bhor, who is said to be part of the management of the said company. In the said e-mails, the applicant has specifically warned the said co-accused person that the background of the individuals in whose favour appointment orders were to be issued, appeared to be doubtful. In one of the e-mails the applicant himself stated that two of such individuals taken on the

pay-role of the company had not submitted their documents and that the co-accused Sagar Kokate was merely giving promises about such documents being submitted.

10. The aforesaid e-mails *prima facie* indicate that the applicant was taking steps and warning the co-accused persons about consequences of issuing such appointment letters, without checking the background of the individuals and without proper documentation being completed by such individuals. This is a factor that supports the contention raised on behalf of the applicant that he was acting merely as an employee of the company. At present there does not appear appear to be material to show that the applicant individually benefited in any manner by becoming part of the aforesaid *modus opeandi* alleged against the co-accused persons. Since the applicant is ready to co-operate with the investigation, this Court is inclined to allow the present application.

11. Accordingly, the application is allowed in the following terms :

(A) In the event the applicant is arrested in connection with FIR No.0701 of 2024 registered on 31.05.2024, at Police Station Hinjewadi, for offences under Sections 406, 419, 420, 465, 467, 468, 471 and 120-B read with Section 34 of the Indian Penal Code, he shall be released on bail on furnishing P.R. Bond of ₹ 50,000/- and one or two sureties in the like amount to the satisfaction of the Trial

Court.

(B) The applicant shall remain present before the Investigating Officer on 24th August, 2024 between 10:00 a.m. and 12:00 noon and thereafter as and when called by the Investigating Officer.

(C) The applicant shall cooperate with the investigation, including producing all relevant documents in his possession.

(D) The applicant shall not tamper with the evidence in any manner. He shall not influence the informant, witnesses or any other persons concerned with the case.

12. Needless to say, violation of any of the aforesaid conditions may lead to cancellation of the present order.

13. It is also clarified that the observations made in this order are limited to the disposal of the present anticipatory bail application and the Trial Court shall proceed further in the matter without being influenced by the observations made hereinabove.

14. The application is disposed of.

(MANISH PITALE, J.)