

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

ANTICIPATORY BAIL APPLICATION NO.2378 OF 2024

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Tanaji Anandrao Gawade & Ors. ..Applicants
Versus
The State of Maharashtra & Anr. ..Respondents

Mr. Milind Deshmukh, for the Applicants.
Ms. Megha S. Bajoria, APP for the Respondent/State.

CORAM : MANISH PITALE, J.

DATE : 19th SEPTEMBER, 2024

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1. Heard learned counsel for the Applicants.
2. In the order dated 09.09.2024, it was recorded that the Applicant No.1 was already arrested and therefore, the Application stood dismissed as infructuous in so far as Applicant No.1 was concerned. Hence, the present Application is being considered only for Applicant No.2 – Sandeep Subhash Khedkar and Applicant No.3 – Rahul Suresh Khedkar.
3. In the present case, the Applicants are apprehending arrest in connection with FIR No.0088 of 2024 dated 27.05.2024 registered at Police Station Medha, District Satara for offence under Section 420 r/w 34 of IPC.

4. The informant in the present case is an employee of a sugar factory and the grievance raised by the informant is that despite huge amounts being paid to Applicant Nos.2 and 3 for providing machinery, vehicles and labour for sugarcane cutting, the said Applicants failed to provide the same. It is alleged that thereby the said Applicants cheated the sugar factory.

5. Learned counsel for the Applicants submits that the Applicant Nos.2 and 3 have been in the business of providing such services and labour along with machinery to sugar factories for the past at least ten years and it is not as if the Applicants deliberately intended to cheat the sugar factory in any manner. It is claimed that the labour engaged by the said Applicants ran away and started giving services to other sugar factories. There were certain meetings held with the sugar factory for settlement of dispute, but the settlement did not work out and in the meanwhile, the present FIR was registered.

6. Learned counsel for the said Applicants on instructions makes a statement that the said Applicants are ready even today to sit with the responsible officers of the sugar factory to work out a settlement, whereby the amount received by the said Applicants could be partly or fully refunded, depending upon the final conclusion of such attempt at settlement. Learned counsel for the said Applicants submits that a bonafide attempt shall be made to settle the dispute and therefore, this Court may consider granting

relief to the Applicants.

7. On the other hand, learned APP submits that ingredients of the offence are clearly made out from the statement of the informant as details of huge amounts paid to the Applicant Nos.2 and 3 are given in the FIR itself. It is submitted that the said Applicants failed to provide machinery, services and labour to the sugar factory, thereby indicating that the sugar factory was indeed cheated.

8. This Court is of the opinion that if the said Applicants are indeed engaged in the business of providing such services and labour for a considerable period of time and this is not the first occasion on which they were to provide services to the concerned sugar factory, this could be said to be *prima-facie* a commercial dispute, which could be open to settlement and resolution if the informant is approached by the Applicants. But since the said Applicants are apprehending arrest, the process of exploring settlement is necessarily hampered.

9. In such a situation, it would be appropriate that the first informant is made a party in the present Application, so that the first informant is also heard, while interim protection can be granted to the said Applicants by keeping the present Application pending. This Court is inclined to grant such interim relief only on the specific statement made on behalf of the said Applicants that they

indeed desire to settle the entire dispute with the said sugar factory.

10. In view of the above, leave is granted to the Applicants to add the first informant as party Respondent No.2. Amendment be carried out forthwith.

11. Issue notice to Respondent No.2, returnable on 18th October, 2024, to be included in the Supplementary List.

12. The Respondent No.2 (first informant) to be served through the Investigating officer, for which purpose the Applicants shall provide additional set of papers to the Investigating Officer within one week from today.

13. In the meanwhile, there shall be interim order in the following terms :-

(a) Till the next date, in the event, if the Applicant Nos.2 and 3 i.e. Sandeep Subhash Khedkar and Rahul Suresh Khedkar are arrested in connection with FIR No.0088 of 2024 dated 27.05.2024 registered with Medha Police Station, District Satara, they shall be released on bail on their executing PR bond in the sum of Rs.50,000/- each with one or two sureties in the like amount.

(b) The Applicants shall remain present before the

Investigating Officer on 23rd and 24th September, 2024 and thereafter as and when called by the Investigating Officer.

- (c) The Applicants shall co-operate with the investigation
- (d) The Applicants shall not influence the informant, witness or any person concerned with the case and they shall not tamper with the evidence.

14. Needless to say, violation of any of the aforesaid conditions may result in this order being cancelled.

15. List for further consideration on 18th October, 2024, to be included in the Supplementary Board.

(MANISH PITALE, J.)