

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

Anticipatory Bail Application No. 3055 of 2024

Harshad Maruti Dhumal

Aged 28 years, being the applicant

above named, present residing at

211, 2nd Floor, E- Wing, Meter

Room No.2, Parijat SRA Co. Op.

Hsg. Soc. Ltd, Jerbai Wadia Road,

Opp. India Cancer Society,

Parel Bhoiwada, Mumbai – 400 012.

...Applicant

Versus

1. The State of Maharashtra

Summons to be served through

Public Prosecutor Criminal

Appellate Side, High Court, Mumbai.

2. The Senior Inspector of Police,

Kalachowki Police Station,

Veer Shrikant Hadkar Marg,

Kalachowki, Near Cotton

Green Railway Station West,

Mumbai – 400 033.

...Respondents

Ms Sofia Shaikh i/b Mr Mohd. Ahmed Shaikh, for the
applicant.

Mr Yogesh Y Dabke, APP for the respondents/ State.

PI Jadhav, Kalachowki Police Station, Mumbai, is present.

Coram: R.N. Laddha, J.

Date: 29 November 2024

P.C.:

By this application, the applicant seeks pre-arrest bail in connection with CR No.155 of 2024, registered at Kalachowki Police Station, Mumbai, for offences punishable under Sections 419, 420, 467, 468, and 471 of the Indian Penal Code, and Sections 66(C) and 66(D) of the Information Technology Act, 2000.

2. The prosecution alleges that the applicant fraudulently misappropriated 4000 shares of BPCL belonging to the informant, valued at Rs.13 lakhs, without authorisation.

3. Ms Sofia Shaikh, the learned Counsel appearing on behalf of the applicant, contends that the shares in question were sold through SMIFS Limited's mobile trading application with the informant's confirmation. The learned Counsel submits that the applicant has been falsely implicated in the crime. Furthermore, she contends that at the relevant time, the shares were valued at Rs.9 lakhs and not Rs.13 lakhs. To demonstrate his *bona fides*, the applicant has voluntarily deposited the said amount with the registry of this Court and expressed his willingness to

comply with any conditions set by this Court.

4. Mr Yogesh Dabke, the learned Additional Public Prosecutor representing the respondents/ State, confirms that the applicant has deposited Rs.9 lakhs before this Court. Based on instructions from the investigating officer, the learned APP acknowledges that the applicant has been cooperating throughout the investigation and has regularly attended police station as required. The learned APP further concedes that the investigation is at the verge of completion and, the prosecution does not object to granting pre-arrest bail to the applicant, provided he continues to cooperate and attend the police station as and when required.

5. From a perusal of the records, it appears that the applicant stands accused of selling the informant's BPCL shares, which were reported received as a part of the retirement benefit, without proper authorisation. The applicant has no criminal antecedents, and his deposit of Rs.9 lakhs reflects an effort to demonstrate good faith. Additionally, the investigating officer has confirmed that the investigation is nearing completion and that custodial interrogation of the applicant is not necessary. The applicant has also shown his readiness to comply with conditions imposed by the Court. In these

circumstances, the application is allowed in the following terms:

(i) In the event of the applicant's arrest in connection with CR No.155 of 2024, registered at Kalachowki Police Station, Mumbai, he shall be released on bail upon executing a PR Bond of Rs.25,000/- and furnishing one or more sureties in the like amount.

(ii) The applicant shall attend the concerned Police Station as and when required.

(iii) The applicant, himself or through any other person, shall not tamper with the evidence or influence the witnesses.

6. The application stands disposed of accordingly.

(R.N. Laddha, J.)