

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

ANTICIPATORY BAIL APPLICATION NO. 3121 OF 2024

Ashish Prakash Borhade	...	Applicant
Versus		
The State of Maharashtra	...	Respondent

Mr. Vaibhav Y. Kulkarni a/w Prathamesh Deshpande for Applicant.
Mr. Balraj B. Kulkarni, APP for Respondent-State.
Mr. Vishnu Y. Hole, API, Trimbakeshwar Police Station, Nashik.

CORAM: MANISH PITALE, J.
DATE : 25th NOVEMBER 2024

P.C. :

1. Heard learned counsel for the applicant and learned APP for the respondent-State.

2. The applicant is apprehending arrest in connection with FIR No. 0016 of 2024 dated 17th January 2024 registered at Trimbakeshwar Police Station, Dist. Nashik, for offences under Sections 420, 468, 469 and 471 of the Indian Penal Code, 1860 (IPC).

3. The informant in the present case is the principal of an educational institution, where the applicant was employed. It is claimed that certain information given by the applicant, while securing employment, was found to be incorrect. It is also alleged that when show-cause notice was given to the applicant, he

submitted his resignation, which was accepted, subject to appropriate disciplinary proceedings being initiated against him. It is further alleged that a cheque issued by the applicant towards amount in lieu of notice period, was also dishonoured. On this basis, the FIR came to be registered.

4. The learned counsel for the applicant has referred to the documents filed along with the application and the backdrop leading to registration of the FIR, to claim that the FIR is nothing but a counter-blast and an after thought. The learned counsel for the applicant placed emphasis on the steps taken by the applicant to seek redressal of his genuine grievances against the institution and the FIR being registered thereafter, at the behest of the said institute. It is submitted that the applicant is ready to cooperate with the investigation.

5. On the other hand, the learned APP referred to the statement of the informant, leading to registration of the FIR, claiming that ingredients of the offences alleged against the applicant are *prima facie* made out and therefore, this Court may not show any indulgence.

6. But, this Court is inclined to grant relief to the applicant. The documents placed on record show that the applicant was working as Assistant Professor in the Mechanical Engineering Department of the said institute and that he submitted his resignation in November 2021, the same was accepted and the

principal of the institute issued experience certificate to the applicant, specifically stating that he was sincere and hardworking and that he had a good moral character.

7. The documents placed on record, including email sent by the applicant, show that when he started demanding amounts, which according to him were due and payable to him, including amounts towards gratuity, the institute appears to have decided to proceed against him. This is borne out by the copy of the email, as also a complaint submitted before the Grievance Committee under the relevant statute. It is apparent that during the pendency of the said complaint before the Grievance Committee and when the decision was likely to be pronounced, the subject FIR came to be registered. Immediately thereafter, on 2nd February 2024, the Grievance Committee rendered its decision in favour of the applicant, directing the institute to pay amounts due to him. It is relevant to note that the applicant made serious allegations against the institute of forcibly taking cash amounts from the salaries of the applicant and other employees. It was also alleged that cheques were got signed forcibly from the applicant and the other employees, towards “security” by the institution. It appears that after such allegations were made, post the severance of relationship of employer and employee between the institution and the applicant, *prima facie* the institution appears to have lodged the FIR as a counter-blast and an after thought.

8. In any case, the applicant is ready to cooperate with the

investigation and therefore, this Court is inclined to allow the application.

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

(a) In the event the applicant is arrested in connection with FIR No. 0016 of 2024 dated 17th January 2024 registered at Trimbakeshwar Police Station, Dist. Nashik, he shall be released on bail on furnishing PR Bond of Rs.25,000/- and one or two sureties in the like amount.

(b) The applicant shall remain present before the Investigating Officer on 27th November 2024 between 10:00 a.m. and 12:00 noon and thereafter, as and when called by the Investigating Officer. The applicant shall cooperate with the investigation.

(c) The applicant shall not tamper with the evidence of the prosecution in any manner. He shall not influence the informant, witnesses or any other person concerned with the case.

10. Needless to say, violation of any of the aforesaid conditions would make the applicant liable to face proceedings for cancellation of anticipatory bail. It is also clarified that the observations made in this order are limited to the question of grant of anticipatory bail to the applicant in the present application.

11. The application is disposed of.

MANISH PITALE, J.