

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

ANTICIPATORY BAIL APPLICATION NO. 3500 OF 2024

Deepak Suresh Bhuruk

...Applicant

Versus

The State of Maharashtra

...Respondent

- Mr. Yuvraj Tajane a/w Mr. Sushant A. Khatake, for Applicant.
- Mr. Balraj B. Kulkarni, APP for Respondent.
- Mr. Jitendra Ahirrao, Boisar Police Station, present.

CORAM : MANISH PITALE, J.

DATE : 20th DECEMBER, 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 First Information Report No.0496 of 2024, dated 30th October, 2024, registered at Police Station Boisar, District Palghar, for offence under Section 316(4) of the Bharatiya Nyaya Sanhita, 2023 (BNS).
3. The informant in the present case is owner of a dealership/showroom for vehicles. The applicant was working as Manager in the said enterprise. The statement of the informant reveals that according to him, upon complaints being received from customers that parts were missing from vehicles that were brought for repair and servicing and also complaint that new vehicles had missing parts, enquiries were made from the applicant, who

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was the manager. But, he was unable to give proper response. According to the informant, further enquiry revealed that the applicant had also received amounts directly from at least 2 customers. A list of such missing parts was given and on that basis, offence pertaining to criminal breach of trust has been registered in the present case.

4. The learned counsel for the applicant submits that the contents of the FIR do not disclose the ingredients of the alleged offence. It is submitted that the allegations are of general in nature and it appears that they has been levelled against the applicant in the backdrop of a dispute raised by the applicant in respect of the dues payable to him. In that regard reference was made to a complaint dated 11th October, 2024, submitted by the applicant before the police with regard to which a report pertaining to non-cognizable offence (NC) was registered.

5. The learned APP, on the other hand, opposed the present application and he referred to the investigation papers, including statements of witnesses recorded during the course of investigation. It was submitted that the ingredients of the offences are *prima facie* made out and no indulgence may be shown to the applicant.

6. This Court has perused the statement of the informant, leading to registration of the FIR. Specific allegations as regards dishonest activities on the part of the applicant have been made. These include clandestinely

removing spare parts from new vehicles and also vehicles that came in for repairs/ servicing. Reference is also made to names of at least 2 customers from whom the applicant allegedly directly received amounts that were to be paid to the informant's enterprise.

7. Apart from this, this Court has perused the statements of the witnesses, including statement of a worker, who has specifically stated as to the manner in which the applicant used to direct them to remove such spare parts and upon being questioned, he used to say that the same was being done under the directions of the informant. Such material does make out a *prima facie* case against the applicant for offence under Section 316(4), which pertains to criminal breach of trust by a clerk or a servant having dominion over property. The punishment prescribed therein is imprisonment upto 7 years.

8. As regards the contention that the informant has caused FIR to be registered after the applicant raised grievance regarding non-payment of dues, this Court finds that the informant has submitted written complaint prior in point of time.

9. No case is made out for granting anticipatory bail. The application is dismissed.

(MANISH PITALE, J.)