

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 1362 OF 2024**

Sunil Vishwanath Jadhav	...	Applicant
vs.		
The State of Maharashtra and another	...	Respondents

**WITH
INTERIM APPLICATION NO. 2089 OF 2024
(Not on board. Taken on board)**

Mr. Sachin Gite a/w. Mr. Sarfaraj J. Shaikh for applicant.

Mr. Mayur S. Sonavane, APP for respondent No.1-State.

Mr. Aniket Nikam a/w. Mr. Prasad Avhad, i/b. Kuldeep Nikam for original complainant (intervenor).

Mr. Pankaj Nathu Sonawane, PSI, Police Station Panchavati, District Nashik City.

**CORAM : MANISH PITALE, J.
DATE : 27th JUNE, 2024**

P.C. :

. Heard learned counsel for the applicant, the learned APP for the State and the learned counsel appearing for the first informant.

2. In the present case, on 28.05.2024, the Vacation Court (Coram: Kishore C. Sant, J) granted ad-interim order in favour of the applicant, as a consequence of which, the applicant is protected from arrest, subject to the conditions specified in the said order.

3. The interim order was continued on 18.06.2024, when this Court heard the application for some time.

4. Having heard the learned counsel for the parties and upon perusal of the documents on record, the following facts emerge:

- (a) The period during which the alleged offence was committed, even as per the FIR, was from 01.12.2021 to 24.05.2022, while the FIR was registered on 11.04.2024 i.e. after a delay of almost two years.
- (b) The applicant was proceeded against departmentally and as a consequence, his service was terminated on 11.07.2022 i.e. about two years ago.
- (c) The applicant was granted ad-interim order on 28.05.2024 with a specific stipulation that the applicant shall attend the concerned police station as and when called. But, as recorded in the subsequent order dated 18.06.2024, the applicant was not called even once.
- (d) The documents on record show that the FIR has been registered at the behest of a person currently holding charge of Secretary, Agriculture Produce Market Committee, Nashik (APMC).
- (e) The allegations in the statement of the informant leading to registration of FIR, pertain to the alleged actions of the applicant, who was a clerk in the APMC and these allegations are the very allegations on the basis of which he was proceeded against departmentally in the year 2022, leading to termination of his service on 11.07.2022.

5. In the backdrop of the admitted facts noted hereinabove, the learned counsel for the applicant has further brought to the notice of this Court that specific amount of Rs.89,77,200/- mentioned in the FIR, which was allegedly misappropriated by the applicant, is based on conjectures and this is evident from the document at page no. 89 of the present application.

6. The learned APP submits that since there are allegations of fabrication of receipt books, the present application may not be allowed. The learned counsel for the first informant has submitted that there was delay in approaching the police, for the reason that initially, there was an administrator on the APMC. This Court is of the opinion that the applicant has made out a *prima facie* case in his favour, particularly because he is willing to co-operate with the investigation.

7. In view of the above, the application is allowed and the interim order dated 28.05.2024 is confirmed, additionally directing the applicant to remain present before the Investigating Officer on 01.07.2024 between 10:00 a.m. and 12:00 noon and thereafter, as and when called by the Investigating Officer.

8. Since the bail application is allowed, nothing survives in the interim application and hence, the same is disposed of accordingly.

9. Needless to say, the applicant shall co-operate with the investigation. The observations made in the present order are restricted to considering the prayer for anticipatory bail made on behalf of the applicant.

(MANISH PITALE, J)

Priya Kambli