

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 1051 OF 2024

Vivek Suresh Munjwadker

...Applicant

Versus

The State of Maharashtra

...Respondent

WITH
INTERIM APPLICATION NO. 2371 OF 2024
IN
ANTICIPATORY BAIL APPLICATION NO. 1051 OF 2024

- Mr. Pranil Sonawane a/w Mr. Deepak H. Mr. Satvik Pisal, Ms. Vedashree Phadke i/b KLS Legal, for Applicant.
- Mr. Mayur S. Sonavane, APP for Respondent.
- Ms. Aruna S. Pai, for Applicant in IA/2371/2024.
- Mr. Nikhil Muktaji Pawar, API, Gangapur Police Station.

CORAM : MANISH PITALE, J.

DATE : 10th DECEMBER, 2024.

P. C. :

1. Heard learned counsel for the applicant and the learned APP for the respondent – State, as also the learned counsel for the intervenor (First Informant).

2. In this application on 18th April, 2024, this Court (*Coram : Sarang V. Kotwal, J.*) passed an interim order in favour of the applicant. It was observed in paragraph No.6 of the order that the allegations in the statement of the informant pertained to the period between years 2010 to 2023 and considering the long period of time and the general nature of allegations, an

opportunity could be given to the applicant to explain his position before the Investigating Officer.

3. The FIR has been registered on the basis of the informant, who is a Director of the complainant – company, alleging that the applicant over the aforesaid period of time misappropriated huge amounts of the company, thereby causing substantial financial loss to the company and hence, justifying registration of the aforesaid offences.

4. The learned APP has taken specific instructions and it is brought to the notice of this Court that apart from appearing before the Investigating Officer on the specified dates, as mentioned in the interim order dated 18th April, 2024, the applicant has not cooperated with the investigation at all. Specific reference is made to a notice issued under Section 91 of the Code of Criminal Procedure, 1973 (CrPC), which was received by 07th May, 2024 by the applicant and yet he did not respond at all to the said notice. A perusal of the general dairy details brought to the notice of this Court further indicate that there is specific recording about the fact that after 08th May, 2024, when the applicant was contacted on his given mobile number, the mobile number could not be reached and the applicant did not take any steps to contact the Investigating Officer.

5. Apart from this, learned APP further referred to the statements of

witnesses recorded during the course of investigation, which include the statements of Sales Executives, Account Head, Graphic Designer and Head of the Legal Department of the company, as also a Sales Officer. Reference is also made to the forensic report prepared by the Chartered Accountant of the company. He submits that the aforesaid material clearly indicates the involvement of the applicant in the aforesaid activities, which has led to registration of the offences against the applicant. It is submitted that in these circumstances, no further indulgence may be shown to the applicant.

6. The learned counsel appearing for the intervenor has supported the contentions raised by the learned APP. It is further brought to the notice of this Court that the applicant has not only indulged in the activities that has led to registration of the FIR, but he has also allegedly taken away vital information pertaining to the complainant – company.

7. This Court has perused the material on record, particularly the documents brought to the notice of this Court by the learned APP. The aforesaid material clearly indicates that the applicant has not cooperated with the investigation despite enjoying interim order from 18th April, 2024. The reason why interim relief was granted to the applicant was to give him a chance to explain the position before the Investigating Officer. Despite notices being sent by the Investigating Officer and attempts being made to

contact him, the applicant has not responded, which clearly shows that he has not cooperated with the investigation. On this ground itself, this Court is convinced that no further indulgence can be shown to the applicant.

8. Apart from this, the statements recorded during the course of investigation, which have been brought to the notice of this Court indicate a *prima facie* case against the applicant with regard to the allegations made against him. The aforesaid statements indicate the *modus operandi* adopted by the applicant, while misappropriating amounts and a *prima facie* case is made out against him. This material *prima facie* co-relates with the findings in the forensic report of the Chartered Accountant, wherein under various heads the misdeeds of the applicant have been recorded.

9. In view of the above, the application is dismissed. The interim order is vacated.

(MANISH PITALE, J.)