



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CRIMINAL APPLICATION (ABA) NO.560 OF 2023

(Anoop Charudutta Sagdeo Vs. State of Maharashtra)

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. J.H. Aloni, Advocate for the applicant.
Mr. N.R. Rode, APP for the State.
Mr. M.S. Totre, Advocate for Assist to Prosecutor.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- FEBRUARY 01, 2024.

Heard.

2. By this application, the applicant is seeking anticipatory bail in connection with Crime No.475/2023 registered with police station Sitabuldi, Nagpur for offence punishable under Sections 406 and 420 of the Indian Penal Code, 1860.

3. The accusation against the present applicant is on the basis of report lodged by one Kishor Amrut Waghmare who is the Director of Ankur Logistic Private Limited on an allegation that the accused who is the Chartered Accountant by profession entrusted the company accounts and income tax work to his company namely C.R. Sagdeo and Company. On 05/12/2023 on the say of the applicant complainant has opened the current account No.030202000001785 at Indian Overseas Bank, Ramdaspath Branch, Nagpur. The applicant has also

obtained blank signed cheques from the complainant of his account. As complainant was not interested in running the business he asked the applicant to close the company. At that time also applicant has obtained blank signed cheques from complainant to close the company and informed the complainant that company was closed. In the year 2017, the complainant received the notice from the Income Tax department regarding deposit of cash amount Rs.3.99 Crores in his bank account. Upon inquiry complainant came to know that the Current account No.030202000001785 which was opened by him in the Indian Oversea Bank is not closed. The applicant who was the managing the accounts of the Ankur Logistic Private Limited has entered into the transaction worth of Rs.3.99 Crores without authorization of the complainant and by using the blank cheques. On the basis said report, police have registered the crime against the present applicant. This Court has protected the present applicant by granting ad-interim protection, considering the offences alleged are punishable with less than 7 years. The Investigating Officer has also issued the notice under Section 41A of Code of Criminal Procedure to the present applicant.

4. Learned Counsel for the applicant submitted that the applicant could not attend the police station as he met with an accident. His custodial interrogation is not required and hence he be protected by confirming the anticipatory bail which is granted in favour of the present applicant.

5. Learned Additional Public Prosecutor strongly opposed the application and submitted that in respect of the another crime, the proclamation is issued against the present applicant though notice is issued to the applicant under Section 41A of the Cr.PC. in view of the guidelines issued by the Honourable Apex Court in the case of ***Satender Kumar Antil Vs. Central Bureau of Investigation, [(2022) 10 SCC 51]***. However, the applicant has not cooperated with the investigating agency and has not attended the police station. In view of that, the application deserves to be rejected.

6. Learned Counsel for the complainant has also endorsed the same contentions and prays for rejection of the application.

7. I have heard learned Counsel for the parties. The allegation against the present applicant is that the present applicant who was the Chartered Accountant and was managing the affairs of the company of the complainant, has taken the disadvantage of the cheques issued to him to close the account and mismanage the entire funds and also entered into the transaction worth of Rs.3.99 Crores due to which the complainant has received the notice of the Income Tax department.

8. Learned Counsel for the applicant submitted that the present applicant is protected by granting ad-interim protection with condition that he shall attend

the police station and cooperate with the Investigating Agency but as he met with an accident he could not attend the police station. However, on perusal of the record, it shows that the applicant was admitted in the hospital prior to passing of the order by this Court i.e. from 04/08/2023 to 06/08/2023. The interim protection is granted to the present applicant on 21/08/2023. It reveals from the record that the applicant has approached to this Court, filed an application which was sworn by him. So it is not the case that the applicant was unable to move from one place to another. The Investigating Officer has also issued the notice under Section 41A of the Cr.P.C. which is not complied by the present applicant. The submission made by the learned Counsel for the applicant are also against the record. In view of that, the application of the present applicant for protecting him by way of grant of anticipatory bail deserves to be rejected.

9. The application is hereby rejected accordingly.

10. The ad-interim protection granted to the present applicant vide order dated 21/08/2023 is hereby vacated.

(URMILA JOSHI-PHALKE, J.)