



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (ABA) NO.812 OF 2023

Mangesh Prakash Akotkar

Vs.

State of Maharashtra, Through Police Station Officer, Khamgaon city, District
Buldhana

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. A. D. Bhate, Advocate for applicant.
Mrs. Sneha Dhote, APP for respondent/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 02/02/2024

1. Heard.
2. By this application, the applicant is seeking anticipatory bail in connection with Crime No.643/2023 registered with Police Station Khamgaon City, District Buldhana for the offence punishable under Section 408 of the Indian Penal Code.
3. The accusation against the present applicant is on the basis of report lodged by Kunal Ashok Bhise who is the owner of Garment Shop, who alleged that the present applicant was serving as a Manager in his shop. From 01/07/2023 to 16/07/2023, as he was out of station, the applicant was looking after the affairs of his shop and during that period, present applicant has sold the garments and misappropriated the amount of

Rs.94,000/-. On the basis of said report, police have registered the crime.

4. Learned Counsel for the applicant submitted that in fact, the present applicant is doing the labour work in the said shop and since last 2-3 months he has not received his salary and therefore, he was demanding the salary and therefore, false report is lodged against him.

5. Learned APP strongly opposed the application on the ground that custodial interrogation of the present applicant is required and prays for rejection of the application.

6. After hearing the learned Counsel for the applicant and learned APP for the State and perused the FIR and investigation papers. After releasing the present applicant on ad-interim anticipatory bail, he has cooperated with the investigating agency by attending the Police Station. From the recitals of the FIR, it reveals that the allegation against the present applicant is of misappropriating the amount which is collected by selling the products, whereas as per the contention of the applicant, there was a dispute regarding the salary between the present applicant and the informant, therefore false report is lodged. As far as the custodial interrogation part is concerned, which is not required as

the applicant has already cooperated with the investigating agency and necessary interrogation with the present applicant has already carried out. In view of that, interim protection granted to the present applicant deserves to be confirmed. Accordingly, I proceed to pass following order.

ORDER

- (i) The application is allowed.
- (ii) In the event of his arrest, the applicant - **Mangesh Prakash Akotkar** in connection with Crime No.643/2023 registered with Police Station Khamgaon City, District Buldhana for offence punishable under Sections 408 of the Indian Penal Code, be released on anticipatory bail on executing a P.R.Bond in the sum of Rs.20,000/- with one solvent surety of the like amount.
- (iii) The applicant shall attend the concerned Police Station as and when required for the investigation purpose.
- (iv) The applicant shall not directly or indirectly induce, threat or promise any witnesses who are acquainted with the facts of the present case.

(URMILA JOSHI-PHALKE, J.)