IN THE JUDICATURE OF HIGH COURT AT BOMBAY
BENCH AT AURANGABAD

951 ANTICIPATORY BAIL APPLICATION NO. 1594 OF 2024

Swapnil Keshav Chaube
VERSUS
The State Of Maharashtra And Others
...
Advocate for Applicant : Mr. Nagesh Janardhan Sonune
APP for Respondents-State: Ms. V. S. Choudhari
Advocate for Assist to APP : None Present
...

WITH
CRIMINAL APPLICATION NO. 4415 OF 2024
IN ABA/1594/2024

....

CORAM : ARUN R. PEDNEKER, J.
Dated : March 28, 2025.

PER COURT :-

1. Criminal Application No. 4415 of 2025 was filed to assist the learned APP. The learned Counsel for the applicant assisting the APP has been absent on multiple occasions and is not present today as well. Accordingly, the application is dismissed.

2. Heard the learned Counsel for the applicant and the learned APP for the respondent-State.

3. The applicant apprehends arrest in connection with FIR No. 0160/2024, dated 28/02/2024, registered at MIDC Waluj Police Station, Taluka Gangapur, District Aurangabad, for offences punishable under Sections 406, 408, 420, 465, 467, 468, 471, and 477-A read with Section 34 of the Indian Penal Code.

4. This Court, by order dated 11/10/2024, granted interim protection to

the applicant after considering the submissions in paragraphs 4, 5, and 6, which read as follows : -

> *"4. The learned counsel for the applicant submits that the applicant was the Accountant in the firm of the complainant. He had resigned long back after 2021. He has no concern with the alleged fraud. The first information report is belated. It is a dispute of the accounts between two businessmen.*
>
> *5. Perused the first information report.*
>
> *6. The dispute pertains to the incorrect or illegal entries in the account books of the firm of the complainant. The incident was old. Therefore, the applicant deserves ad-interim protection."*

5. The case against the applicant and other accused persons is that the informant, engaged in the manufacture of automobile-related products, owns two firms, namely M/s Shubham Industries and M/s Amar Industries. In 2018, the informant started a new plant in Gujarat and shifted his full attention there. Taking advantage of his absence, between 2017 to 2020, the accused allegedly made fraudulent entries and records, defrauding the informant of Rs. 1.99 crore.

6. The learned Counsel for the applicant submits that the applicant was merely an Accounts Executive. The FIR was registered on 28/02/2024, six years after the alleged incident. He contends that there is no material on record implicating the applicant in any manner, as he had a limited role in the firm.

7. On the other hand, the learned APP points out that between 2016 to 2021, the applicant received various amounts in his bank account totaling approximately Rs. 14.29 lakhs. This amount exceeds his salary, suggesting his involvement in illicit activities, thereby necessitating custodial interrogation.

8. The learned Counsel for the applicant has produced on record financial transactions from 2018, highlighting online transactions of approximately Rs. 2.70 lakh. He also refers to cash amounts given to him by his father between 2018 and 2020 over three years. He submits that he constructed a house during this period, and the funds received were utilized for this purpose. Cash vouchers corroborate these transactions, and the applicant has provided an explanation to the Investigating Officer.

9. Considering the rival submissions, the fact that interim protection was granted on 11/10/2024, the applicant's cooperation with the investigation, and the delay in lodging the FIR, the explanation provided by the applicant cannot be disregarded at this stage. The applicant is a working professional, and as the investigation is nearly concluded, the interim protection granted to the applicant is confirmed.

10. In view of the above, the application is allowed in the following terms: -

i] In the event the applicant is arrested in connection with FIR No. 0160/2024, dated 28/02/2024, registered at MIDC Waluj Police

Station, Taluka Gangapur, District Aurangabad, for offences punishable under Sections 406, 408, 420, 465, 467, 468, 471, and 477-A read with Section 34 of the Indian Penal Code, he shall be released on bail on furnishing PR bond of Rs.20,000/- with one or two sureties in the like amount to the satisfaction of the trial Court.

ii] The applicant shall attend the police station as and when called by the police.

iii] The applicant shall not tamper with the evidence of the prosecution in any manner. He shall not influence the informant, witnesses and other persons concerned with the case.

iv] The applicant shall co-operate with the investigation and also in the proceedings before the trial Court.

11. In the event, the applicant violates any of the conditions specified in this order, it shall be liable to be cancelled.

12 It is also clarified that the observations made in this order are limited to the disposal of the present anticipatory bail application and the trial Court shall proceed further in the matter without being influenced by the observations made hereinabove.

13. The application stands disposed of.

(ARUN R. PEDNEKER, J.)

vj gawade/-.