

Ajay

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL BAIL APPLICATION NO. 2176 OF 2024

Alok Sukhdev Premanick

.. Applicant

Versus

The State of Maharashtra and Anr.

.. Respondents

-
- Ms. Kaushalya Patil, Advocate for Applicant.
 - Mr. Hitendra J. Dedhia,, APP for Respondent No1. – State.
-

CORAM : MILIND N. JADHAV, J.

DATE : FEBRUARY 07, 2025.

P.C.:

- 1.** Mentioned at the time of rising of the Court.
- 2.** Heard Ms. Patil, learned Advocate for Applicant and Mr. Dedhia, learned APP for Respondent No.1 – State.
- 3.** Applicant before me is incarcerated for the past 15 months. He has been indicted for the offences punishable under Sections 406 and 420 of the Indian Penal Code, 1860 and provisions of the Maharashtra Protection of Interest of Depositions (In Financial Establishments) Act, 1999.
- 4.** Ms. Patil would persuade me to consider that the Applicant is indicted in the offence as per the FIR lodged by the Director of the Company against the Applicant for the amount of approximately Rs.1 Crore and 6 Lakhs. She would submit that he is employed as a Driver.

She would submit that the entire amount of Rs.1 Crore and 6 Lakhs has infact been returned back by the Applicant to the Company which is evident from the Bank statements appended to the Application prior to filing of the FIR in the present crime. She would submit that the said Bank statements have not been considered by the Investigating Officer during investigation because the charge-sheet in the present case is filed and the Bank statements post filing of the FIR are appended thereto. She would therefore persuade the Court to consider this aspect and pass appropriate directions to the Investigating Officer so that incarceration of the Applicant can be ended.

5. Issue notice to the Respondents. Prosecution shall take appropriate instructions from the Investigating Officer. Copy of the Application shall be served on the Investigating officer as well as Respondent.

6. Investigating Officer is directed to consider the submissions recorded in the aforesaid order and the submissions pertaining to return of the entire amount as argued by the learned Advocate prior to the filing of the FIR.

7. After going through Bank statements, Investigating Officer shall give appropriate instructions to the Prosecutor who will appear in the matter. After taking appropriate instructions, Court shall be apprised by the Prosecutor on the next adjourned date.

8. Considering the submissions and more specifically the submission that the entire amount which is the subject matter of the offence has already been returned back by the Applicant, I am inclined to hear this Application on 28th February 2025 at 02:30 p.m.

9. Copy of this order shall also be served on the Prosecution by the Advocate for Applicant.

10. Stand over to **28th February 2025 at 02:30 p.m.**

[MILIND N. JADHAV, J.]

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