



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.2235 OF 2024

ANURAG MISHRA

...APPLICANT

VS

THE STATE OF MAHARASHTRA

...RESPONDENT

...

Adv. Promod Pandey for the Applicant.

Adv. Pallavi N. Dabholkar, APP for Respondent No. 1.

None for Respondent No. 2.

PSI Atmaram T. Kadam, Wadala Police Station.

...

CORAM : RAJESH S. PATIL, J.

DATED : MARCH 11, 2025

P.C.:

1. By this application the applicant has sought for grant of pre-arrest bail under Section 438 of the Code of Criminal Procedure, as he apprehends arrest by Wadala T. T. Police Station in C.R.No.9/2024, for the offences punishable under section 408 and 420 of the Indian Penal Code, 1860.

2. In the complaint attached to the FIR, allegations are made against the applicant. The present applicant is accused no. 2.

3. Mr. Pandey, learned counsel for the applicant submits that the accused no. 1 was arrested and has been granted regular bail. He submits that as per the FIR it has been alleged that a sum of

Rs.16,36,000/- has been used for personal gain by the accused persons. The said amount belong to the employer M/s. Bipin Transport. He submits that without admitting the crime, the applicant has deposited a sum of Rs. 12,50,000/- with the Registry of this Court. He further submits that a sum of Rs. 1,00,000/- has already been paid to the first informant. He submits that since, a major portion of the alleged amount has already been deposited or paid, the custody of the present applicant is not necessary. He submits that a Petition for quashing of the FIR has already been filed. The same is pending before this Court. He submits that since a bona fide has been shown by the present applicant without admitting the crime, the custody of the present applicant is not at all necessary.

4. The learned APP submits that the applicant has deposited a sum of Rs.12,50,000/- in this Court and as of now the investigating officer is not insisting upon the physical custody of the present applicant.

5. I have heard both the sides and I have gone through the FIR and document produced before me. Since the applicant has show his bona fide and since the investigating officer not insisted the physical custody of the present applicant, I am of the view that the present anticipatory bail application requires to be allowed. Hence, I pass the following order.

(a) **The anticipatory bail application is allowed.**

(b) In the event of arrest in connection with C.R.No.9/2024 registered with Wadala T. T. Police Station, the applicant shall be released on bail, on furnishing P.R. bond to the extent of Rs.30,000/- with one or two sureties of the like amount.

(c) The applicant shall attend the investigating officer of the concerned police station as and when called for.

(d) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him from disclosing the facts to Court or any Police Officer and shall not tamper with evidence.

(e) The applicant shall furnish details of his residential address, contact number and email address to the Investigating Officer.

6. **The anticipatory bail application is disposed off as allowed.**

(RAJESH S. PATIL, J.)