IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 946/2024

PRATIK MACHINDRA PABALE ..APPLICANT
VS.
THE STATE OF MAHARASHTRA ..RESPONDENT

WITH
INTERIM APPLICATION NO. 1629/2024
IN
ANTICIPATORY BAIL APPLICATION NO. 946/2024

GIRISH HARISHCHANDRA KARANDE ..APPLICANT
VS.
THE STATE OF MAHARASHTRA ..RESPONDENT

Mr. Satyam Harshad Nimbalkar i/b. Mr. Abhishek Ulhas Arote for the applicant in ABA/946/2024.
Mr. Ajay S. Patil, APP for State.
Mr. Ganesh Gupta a/w. Mr. Shreyash Pendse, Mr. Sahil Ghorpade, Mr. Roshni Naaz, Mr. Surya P. Gupta, Mr. Madan Khansole, Mr. Sai Manohar Singh i/b. G G Legal Associates for the intervener in IA.
PSI Ingale, Talegaon Dabhade Police Station.

CORAM : RAJESH S. PATIL, J.

DATE : FEBRUARY 5, 2025.

P.C. :

1. This Court vide order dated 26th April 2024 had granted protection to the applicant by way of direction to the applicant to attend the police station and co-operate with the police in investigation and subject to that in the event of his arrest till next date he be released on bail by executing P.R. bond. For the ease of reference, the said order is reproduced herein below:-

> 1. The Applicant is seeking anticipatory bail in connection with C.R.No.75/2024 registered with Talegaon Dabhade Police Station, District-Pimpri Chinchwad on 15.2.2024 under Sections 420, 408, 465, 467, 468 of IPC.
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> 2. Heard Mr. Satyam Nimbalkar, learned counsel for the Applicant, Ms. Mahalakshmi Ganapathy, learned APP for the Respondent-State and Mr. A.P. Jog, learned counsel for the Intervenor.
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> 3. The FIR is lodged by one Garish Karande. He has stated that he was having a business of land development by the name Adhiraj Land Developers. The present Applicant was working with him since 2016 in the capacity of Supervisor/Accountant. The informant's firm had a bank account with ICICI Bank, Talegaon Dabhade. It was operated by the informant himself as the Proprietor. It is alleged that since the informant was busy in his work, the Applicant was handling all the financial aspects. The informant had given blank cheques signed by himself. He had also given letter-head with other keys of his office. It is alleged in the FIR that the Applicant took advantage of this situation. He received some amount from the customers of the present informant RMK Builders and Namrata Builders. The FIR mentions that the informant was expecting certain amount from both of them but he had received lesser amount. There was difference of more than Rs.16 Lakhs in the payment which was to be received from Namrata Builders and there was such difference of more than Rs.37 Lakhs in respect of Namrata Builders. The informant made inquiries with those customers. He came to know that they had already made the payments but it was deposited in the account by the same name of Adhiraj Land Developers maintained with G.P. Parsik Co-operative Bank, Talegaon Dabhade. Said account was operated by the Applicant as a Proprietor of the same firm. Hence, the Applicant had committed misappropriation of those amounts. There are allegations that an amount of Rs.4,86,195/- given to the Applicant for paying EMI etc. was misappropriated by him. There are other allegations that the Applicant had taken diesel from Kalokhe Petrol Pump and had misappropriated that diesel. Thus, the Applicant has misappropriated the informant's money to the tune of more than Rs.55 Lakhs. On this basis, the FIR is lodged.
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> 4. Learned APP pointed out that the informant through his supplementary statement has claimed that the amount is much more.

5. Learned counsel for the Applicant invited my attention to the bank entries particularly on page Nos.194 and 128 of the present Application memo. He submitted that these entries show that not only the amount has been transferred from the ICICI Bank of the informant to the aforementioned account held with G.P. Parsik Co-operative Bank, but, even some substantial amount has gone from G.P. Parsik Bank to ICICI Bank account. There used to be regular transactions between the two bank accounts to the knowledge of the present informant. Some of the entries are even from October, 2022. Therefore, it falsifies the case that he came to know about the existence of that account with G.P. Parsik Bank in February, 2024.

6. Learned counsel for the Applicant submitted that the GST number of the informant was suspended in the year 2020 and for facilitation of the regular business, the informant had opened the account with G.P. Parsik Bank. Only for convenience and for operation of that bank account, the Applicant's name was shown. The Applicant has not misappropriated any amount. He submitted that as far as the misappropriation of diesel was concerned, the Applicant has paid Rs.2 Lakhs in cheque and Rs.6 Lakhs in cash. He, therefore, submitted that the Applicant be protected.

7. Learned APP submitted that the stand taken by the Applicant based on the bank entries will have to be verified by the investigating officer. For that purpose, the Applicant will have to attend the concerned police station and explain those bank entries and their usual course of business. The Applicant be directed to attend the concerned police station if the Court is inclined to grant ad-interim relief.

8. Learned counsel for the first informant submitted that the informant is studied only upto 9th standard. He was blindly trusting the present Applicant and, therefore, the Applicant has taken wrong advantage of that misplaced trust and has committed this offence.

9. I have considered these submissions. At this stage, the learned counsel for the Applicant has relied on certain bank entries to show that the Applicant may have a reasonable defence in his favour. For that purpose, further investigation by the investigating officer is necessary. The informant also needs to be given an opportunity to explain the stand taken by the present Applicant. In this view of the matter, at this stage, the Applicant can be protected by way of ad-interim relief till the next date and he can be directed to cooperate with the investigation.

10. Hence, the following order:

ORDER

(i) In the event of his arrest in connection with C.R.No.75/2024 registered with Talegaon Dabhade Police Station, District-Pimpri Chinchwad, till the next date, the Applicant be released on bail on his executing P.R. bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.

(ii) This order shall operate till 25.6.2024.

(iii) The Applicant shall attend the concerned Police Station from on 13th, 14th, 15th and 16th May, 2024 between 1:00 p.m. to 5:00 p.m. and thereafter as and when called. The Applicant shall cooperate with the investigation.

(iv) Stand over to 25.6.2024.

The First Information Report (FIR) was lodged on 15th February 2024. This Court had granted protection order on 26th April 2024 directing the applicant to attend the concerned police station on 13th, 14th, 15th and 16th May 2024 and thereafter as and when called.

2. Today it is submitted before this Court that the applicant has attended the concerned police station on 13th, 14th, 15th and 16th May 2024 and has fully co-operated with the investigation. It seems that thereafter, the police had not called upon the applicant to record his statement. This itself prove that the investigation is almost complete and the police do not need to call the applicant. Therefore, according to me, the case is made out to allow the present anticipatory bail application.

3. The anticipatory bail application is allowed.

4. The applicant is directed to attend the concerned police station as and when called by giving 48 hours notice in advance.

5. The ad-interim protection granted on 26th April 2024 is hereby confirmed till filing of the charge-sheet.

6. The applicant shall not interfere with the complainant and the other witnesses and shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.

7. The anticipatory bail application is disposed of.

8. In view of the disposal of the anticipatory bail application, the interim application is also disposed of.

(RAJESH S. PATIL, J.)