



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.373 OF 2025

RAVINDRA GOPAL KULYE

...APPLICANT

VS

STATE OF MAHARASHTRA AND ANR

...RESPONDENTS

...

Adv. R. R. Varma a/w Sanket Thorat, Sachin Suware Yogesh Dharra and Pankaj Lad

Adv. Nitin B. Patil, APP for the State.

Adv. Aditya Mithe a/w Sachin Agawane Krishna Tawari and Sarthak Rai for the intervener.

PI, Jaydeep Gosavi, Powai Police Station.

...

CORAM : RAJESH S. PATIL, J.

DATED : FEBRUARY 28, 2025

P.C.:

1. This is an application filed by the applicant under Section 482 of Bharatiya Nagarik Shuraksha Sanhita, 2023 for pre-arrest bail in C.R. No. 927/2024 registered with Powai Police Station for the offences punishable under Sections 471, 468, 467, 420, 409 and 406 of the Indian Penal Code, 1860.

2. It is the case of the prosecution that it is a complaint that the present applicant was allotted a catering contract for supply lunch and refreshment during the meetings and trainings in the company. The accused no. 1 was the assistant manager who was in touch with the present applicant being in the administration department. During audit,

the company realized that false bills were supplied for supply of foods to the company. It realized that invoices worth of Rs.1,13,63,349/- and an amount of Rs.1,04,88,195/- was parted with by the company to the present applicant. As the accused person was not traceable, the company has lodged the FIR.

3. The learned counsel for applicant submits that the name of the present applicant is not mentioned as an accused in the FIR. The present applicant is innocent, who had no option but to agree to whatever the accused being a manager in the administration department of the company used to tell him. On instructions of the accused, the present application was prepared invoices. Since the money is to come in the account of the present applicant, except for 5% of the said money received, rest of the money went in the account of accused, who was the manager in the administrative department of the company. He submits that the accused no. 1 has been granted regular bail by the trial Court. Up-till now, at least for five times, the present applicant has attended the office of the investigating officer. He has co-operated with the investigating officer and has submitted the documents as desired by the investigating officer. Hence, the custody of the present application is not necessary.

4. The learned APP has opposed this application on the ground that the main accused has been granted bail by the trial Court.

Therefore, the custody of the present applicant is necessary to find out the trial of money.

5. The learned counsel for the informant-company submits that though the facts that it is the accused no. 1 who was an employee of the company, who played a major role in the fraud being committed on the company, the present applicant by agreeing to whatever the accused directed him, has taken part in the said fraud. He submits that the custody of the present applicant would be necessary as the accused /manager of the company has been released on bail.

6. I have heard counsel for all the sides. The facts remains that the present applicant is co-operated with the police and has visited the office of the investigating officer at least for five times. In fact he has also supplied the bank statement to the investigating officer in order to show that the money which were received from the company, 95% of those money went to the accused who was the manager in admin department of the company. The main accused/manager of the company has been granted regular bail. According to me, a case is made out by the present applicant to grant him interim protection. Hence, I pass the following order.

Order

(i) **Anticipatory Bail Application is allowed.**

(ii) The applicant be released on bail in C.R. No. 927/2024 registered with Powai Police Station, Mumbai on furnishing a PR bond of the sum of Rs. 30,000/- (thirty thousand only) and one or two sureties in the like amount to the satisfaction of the jurisdictional Court.

(iii) The applicant shall mark his presence at Powai Police Station on 6 March 2025, 7 March 2025 and 8 March, 2025 between 11.00 am to 1.00 pm and as an when called for.

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

(v) On being released on bail, the applicant shall furnish him contact number and residential address to the Investigating Officer and shall keep him updated, in case there is any change.

(vi) By way of abundant caution, it is clarified that the observations made hereinabove are confined for the purpose of determination of the entitlement for bail and they may not be construed as an expression of opinion on the guilt or otherwise of the applicant and the trial Court shall not be influence by any of the observations made hereinabove.

7. Anticipatory Bail Application is accordingly disposed off as allowed.

(RAJESH S. PATIL, J.)