

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 726 OF 2025

Yashwant Shankarrao Kulkarni	...Applicant
Versus	
The State Of Maharashtra	...Respondent

Mr. Surel Shah, Senior Advocate i/b. Adv. Shubham Shinde, Advocate
for the Applicant.

Ms. Supriya Kak, APP for the State.

Mr. Sachin Jagtap, API Sangola Police Station present.

CORAM : RAJESH S. PATIL, J.

DATED : 19 MARCH 2025

P.C.:

1. This anticipatory bail application is for pre-arrest bail in connection with C.R. No.47/2025 registered with Sangola Police Station for the offences punishable under Section 406, 420 read with Section 34 of the Indian Penal Code, 1860.
2. The FIR has been lodged based on an Complaint, which mentions about the role of the present applicant.
3. Mr. Shah, the learned Senior Advocate for the applicant, submits that the applicant left the sugar factory in the year 2013

and joined another sugar factory. Thereafter, the said factory was placed under liquidation in the year 2016. Regarding an alleged offense, an FIR was lodged in 2015, and in connection with the said FIR, pre-arrest bail was granted to the present applicant in the same year. The documents sought by the prosecution through their letter dated 22 January 2025, was responded to by the present applicant on 27 January 2025. This response, which forms part of the annexures to the present anticipatory bail application at page 42, informed the prosecution that the applicant had left the sugar factory in 2013 and does not possess any of the documents being sought. Furthermore, by a letter dated 31 January 2025, the applicant provided the Investigating Officer with a detailed reply regarding the status of the sugar factory.

4. Mr. Shah, the learned Senior Advocate, submits that the applicant is willing to cooperate with the police and that his custody is not necessary.

5. The learned APP submits that although the applicant was directed by notice to appear before the Investigating Officer and hand over the requested documents, he has not cooperated. Therefore, there is dishonesty on the part of the present applicant.

6. After hearing the learned advocates for both sides and considering the documents on record, it is noted that the documents sought by the prosecution pertain to the period from 2011 to 2013. This means that documents, twelve years ago are being requested. The applicant left the sugar factory in 2013, and the factory was placed under liquidation in 2016. Since a liquidator has been appointed for the sugar factory, if the prosecution wishes to obtain these documents, they may do so from the liquidator's office.

7. In such a situation, according to me, a case is made out for granting Anticipatory Bail Application.

ORDER

(a) The anticipatory bail application is allowed

(b) In the event of arrest of the Applicant C.R. No. 0047 of 2025, dated 17 January 2025, registered with Sangola Police Station, District Solapur, under Sections 420, 406 read with Section 34 of the Indian Penal Code, the Applicant shall be released on bail furnishing PR. bond to the extent of Rs.30,000/- with one or more sureties of the like amount.

(c) The Applicant shall co-operate with the investigation and attend the investigating officer of the concerned police station on 24 March 2025 and 25 March 2025 between 11.00 a.m to 1.00 p.m., thereafter as and when called.

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

(e) The Applicant shall furnish his contact number and residential address to the investigating officer and shall keep him updated, in case there is any change.

(f) The Applicant and his surety shall provide their respective mobile numbers, e-mail address and documents pertaining to the place of residence.

8. In view of the above, the present Anticipatory Bail Application is disposed of.

(RAJESH S. PATIL, J.)