

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 3319 OF 2025

1. Majid Yusuf Shaikh
2. Krishna Mishra @ Krishnkumar
Ramvichar Mishra ...Applicants
V/s.
The State of Maharashtra ...Respondent.

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Mr. Vedant A. Tiwari for the Applicants.
Mr. R.M. Pethe, APP for the Respondent/State.

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CORAM : N.R. BORKAR, J.
DATE : 03.12.2025.

P.C. :

1. This is an application for anticipatory bail.
2. The applicants are apprehending their arrest in Crime No.638 of 2025 registered at Vakola Police Station for the offences punishable under Section 316(4) of the Bharatiya Nyaya Sanhita, 2023.
3. The prosecution alleges that the applicants, who were employed as Sales Executives with the first informant's company, along with the co-accused, collected a total sum of Rs.2,80,547/- from various customers. It is alleged that instead of depositing the said amount in the company's account, the applicants allegedly misappropriated the said amount and thereby defrauding the informant's company to the tune of Rs.2,80,547/-.

4. I have heard the learned counsel appearing for the applicants and the learned APP for the respondent / State.

5. Learned counsel for the applicants submits that there is a delay in lodging the FIR. It is submitted that the false FIR came to be lodged against the present applicants solely because they had demanded the release of their pending salaries. It is submitted that the applicants are ready to cooperate in the investigation. It is further submitted that there are no other criminal antecedents against the applicants.

6. On the other hand, learned APP for the respondent/State submits that the applicant No.1 has collected Rs.39,895/- and the applicant No.2 has collected Rs.31,528/- from the company's customers. It is submitted that the custodial interrogation of the applicant is necessary to recover the amount, received by the applicants.

7. I have perused the first information report. There is a delay in lodging the first information report. There are no other criminal antecedents against the applicants. Considering the overall facts and circumstances, I am inclined to release the applicants on anticipatory bail. In the result, the following order is passed.

ORDER

A) The Application is allowed.

B) In the event of arrest of the applicants in C.R. No.638 of 2025 registered at Vakola Police Station for the offences punishable under Section 316(4) of the Bharatiya Nyaya Sanhita, 2023, they be released on bail on executing P.R. Bond in the sum of Rs.25,000/- each with one surety or two sureties in the like amount.

C) The applicants shall attend the concerned police station as and when called by the Investigating Officer and shall cooperate in the investigation.

[N.R.BORKAR, J.]