



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
ANTICIPATORY BAIL APPLICATION NO. 717 OF 2025

Pandu Alias Balaji Wasudevan Alias Balaji Ramlingam Alias
Ishwarmurthy Vyankatramappa Morimshetti

VERSUS

The State Of Maharashtra And Another

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- Mr. U. B. Bilolikar, Advocate for Applicant
- Ms. P. J. Bharad, APP for Respondents - State

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CORAM : MEHROZ K. PATHAN, J.

DATED : 07.04.2026

PER COURT :

1. Heard learned counsel for the applicant and the learned APP for the respondent-State.

2. The applicant has approached this Court apprehending arrest in connection with FIR No.271 of 2021, dated 28.04.2021, registered with MIDC Police Station, Latur, District Latur, for the offences punishable under Sections 406, 420, read with Section 34 of the Indian Penal Code.

3. The prosecution case, in brief, is that on 28.04.2021, the present crime came to be registered at M.I.D.C. Police Station, Latur, on the basis of F.I.R. lodged by the informant Gangadhar, who is engaged in the business of Dal Mill (pulses trading). It is alleged that the informant used to carry out transactions through a broker, namely Jagdish Jaju, acting as an agent under the name and style of Shivshakti Conveyancing, Bangalore.

4. It is the case of the prosecution that, on the basis of samples approved and orders placed by Kurinjee Pro-Natural Foods Pvt. Ltd., Chennai, the informant supplied 250 quintals of Udid Gota worth Rs.25,25,000/- (including transportation) under bill dated 12.01.2021 and further supplied 250 quintals of Udid Gota worth Rs.25,25,000/- (including transportation) under bill dated 16.01.2021, totaling Rs.50,50,000/-. The said goods were transported and delivered to the said company.

5. It is further alleged that, in a similar manner, Kurinjee Pro-Natural Foods Pvt. Ltd. procured gram pulses through the same broker from Atish Bachewar of Aradhya Agrotech Dal Mill and placed orders for supply. Accordingly, 250 quintals of gram pulses worth Rs.14,65,000/- under bill dated 09.01.2021 and 250 quintals worth Rs.14,40,000/- under bill dated 16.01.2021 were supplied, totaling Rs.29,05,000/-, which were also delivered through transporters to the said company.

6. Further, it is alleged that the said company procured Tur Dal through the broker from Pratap Patil of Kirti Udyog, M.I.D.C., Latur, and placed multiple orders. Pursuant thereto, Kirti Udyog supplied 250 quintals of Tur Dal worth Rs.22,81,031/- under bill dated 06.01.2021, 300 quintals worth Rs.26,64,497/- under bill dated 13.01.2021, and 250 quintals worth Rs.22,22,190/- under bill dated

18.01.2021, totaling Rs.71,67,718/-, which were also duly delivered to the company.

7. According to the prosecution, despite receipt of the aforesaid goods aggregating to Rs.1,51,22,718/-, Kurinjee Pro-Natural Foods Pvt. Ltd., Chennai, failed to make payment of the said amounts. It is alleged that, despite repeated demands, including a final demand made on 15.04.2021 through Pandu Shetty, no payment was made.

8. It is further alleged that the present applicants/accused, namely Surinarayan Morimishetty, Pradeepraj Chandrababu and Rajiv B.N., being the Directors of the said company, in collusion with each other and with an intention to cheat, dishonestly induced the informant and other suppliers to deliver the goods and thereafter failed to make payment, thereby committing cheating. The involvement of another Director, Ediga Manikant, is also stated. On the basis of these allegations, the aforesaid crime came to be registered.

9. At the outset, the learned APP has raised an objection regarding the maintainability of the present application, on the ground that an earlier anticipatory bail application preferred by the applicant came to be rejected by this Court vide order dated 02.09.2021 in Anticipatory Bail Application No. 848 of 2021.

10. The learned counsel for the applicant submits that the applicant was not aware of the said order rejecting his earlier anticipatory bail application. The learned APP has tendered a copy of the order dated 02.09.2021, which is taken on record and marked 'X' for identification. On perusal of the said order, it reveals that this Court had, after considering the investigation papers and statements of the informant and other witnesses, namely Atish Bachewar and Pratap Patil, found that the applicant, being the Chairman/Director of Kurinjee Pro-Natural Foods Pvt. Ltd., Chennai, was directly involved in the transactions in question. This Court had taken into consideration the statement of broker Jagdish Jaju, which corroborated the allegations that the goods were supplied at the instance of the applicant. The Court had also relied upon the bills, invoices and purchase orders, as well as material indicating acknowledgment of liability and assurances of payment given by the company's officials. Similar transactions with other suppliers were also considered. Upon detailed evaluation of the material collected during investigation, this Court had found a strong prima facie case against the applicant and, therefore, rejected the earlier anticipatory bail application, vide order dated 02.09.2021 in ABA No. 898 of 2021.

11. It is a settled position of law that though filing of successive successive bail applications are not barred, the same can be entertained only if there is a substantial change in circumstances. In the present case, no such change in circumstances has been brought on record which would justify reconsideration of the earlier order. In absence of any new ground or change in circumstances, the present successive anticipatory bail application is not maintainable.

12. Be that as it may, I have again perused the investigation papers made available by the learned APP. Upon such perusal, it appears that the informant (Aditya Industries) and two other persons, namely Atish Bachewar (Aradhya Agrotech) and Pratap Patil (Kirti Udyog), supplied goods such as Udid Gota, Gram and Tur Dal, collectively worth Rs.1,51,22,718/-, in pursuance of orders placed by Kurinjee Pro-Natural Foods Pvt. Ltd. The said goods were transported and delivered through transporters, and the concerned representatives of the said company acknowledged receipt thereof.

13. The record further reveals that the said company had addressed E-mails to the informant and other complainants apologizing for delayed payments. It also appears that the informant along with the other two complainants submitted a joint application to M.I.D.C. Police Station, Latur, pursuant to which the present crime came to be registered. The Investigating Officer has recorded the

statements of the complainants as well as the broker Jagdish Jaju. The present applicant and other co-accused are shown as Directors of Kurinjee Pro-Natural Foods Pvt. Ltd. and are prima facie found to be directly connected with the alleged transactions.

14. Though the applicant has denied that the applicant is a Director of the said company and has contended that he is not concerned with the transactions in question, the said aspect is a matter of trial. At this stage, the material on record indicates that there is a prima facie element of cheating from the inception. It appears that, on the basis of assurances given by the accused persons regarding payment, the informant and others were induced to supply the goods. It is not in dispute that the goods were received by the company. In such circumstances, it cannot be said that the dispute is purely of a civil nature relating to recovery of unpaid amounts.

15. As per the say of the Investigating Officer, as many as six crimes for the offences punishable under Sections 420 and 406 read with Section 34 of the Indian Penal Code are registered and pending against the present applicant at different police stations. Prima facie, this indicates a pattern and lends support to the contention that the applicant is habitually involved in such offences of cheating and criminal breach of trust.

16. The record further indicates specific criminal antecedents of the present applicant. It is revealed that multiple crimes are registered against him at different police stations, namely: Crime No. 04 of 2020 registered at Murud Police Station for offences under Sections 420 and 406 of IPC; Crime No. 221 of 2017 registered at Raichur (Rural) Police Station for offences under Sections 420 and 34 of IPC; Crime No. 29 of 2018 registered at Kothak Hirvau Police Station for offences under Sections 420, 384 and 120-B of IPC; Crime No. 07 of 2021 and Crime No. 08 of 2021 registered at C.E.N. Crime Kalburgi Police Station for offences under Sections 420, 406 and 34 of IPC; and Crime No. 78 of 2021 registered at Rabale MIDC Police Station for offences under Sections 420, 406 and 34 of IPC. These antecedents prima facie indicate a pattern of similar offences, which cannot be overlooked while considering the present application.

17. The learned Advocate for the applicant has submitted that the applicant has been granted regular bail in five crimes and interim anticipatory bail in one crime. However, the grant of bail in other matters, particularly by different courts, cannot by itself be a sufficient ground to extend the protection of pre-arrest bail to the applicant in the present crime.

18. The offence alleged is serious in nature and is punishable with imprisonment which may extend to seven years along with fine. The

investigation is still in progress. In the facts of the case, custodial interrogation of the applicant appears to be necessary for recovery of the misappropriated amount of Rs.1,51,22,718/- and for collecting information regarding the affairs of Kurinjee Pro-Natural Foods Pvt. Ltd., including its financial transactions, bank accounts and properties of the applicant and other Directors, so as to carry out an effective and comprehensive investigation. There is also a reasonable apprehension that, if released on anticipatory bail, the applicant may tamper with the prosecution evidence or influence witnesses.

19. For the aforesaid reasons, I am not inclined to entertain the present application. Hence, the following order.

ORDER

A) The Anticipatory Bail Application is **REJECTED**.

(MEHROZ K. PATHAN, J.)