IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1962 OF 2025

Nitin Ramchandra Raipure …Applicant
Versus
State of Maharashtra & Anr. …Respondents

Mr. V.V. Purwant for Applicant.
Ms. R.V. Newton, APP for the State.
Mr. Hrishikesh Ghorpade i/by Mr. Siddharth N. Sutaria for Respondent No.2.

CORAM: MADHAV J. JAMDAR, J.
DATED : 16th January 2026

P.C.:

1. Heard Mr. Purwant, learned Counsel appearing for the Applicant, Ms. Newton, learned APP for the State and Mr. Ghorpade, learned Counsel for Respondent No.2.

2. By this application filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ("BNSS"), the Applicant is seeking pre-arrest bail in connection with C.R. No.152 of 2025 registered with Loni Kalbhor Police Station, Pune City, for the offences punishable under Sections 408 and 420 of the Bharatiya Nyaya Sanhita, 2023 ("BNS").

3. As per the prosecution case, the Applicant, who was working as Manager at Petrol Pump committed misappropriation of an amount of Rs.2,63,15,942/-.

4. It is the submission of Mr. Purwant, learned Counsel for the Applicant that in fact the said amounts were transferred from time to time from the years 2018-2022 on the instructions of owner i.e. Balkrishna Kale. He submits that an aggregate amount of Rs.58,00,000/- has been deposited by the Applicant either in the account of the First Informant or the mother of the First Informant or in the account of the Petrol Pump. He submits that a learned Single Judge has already protected the Applicant by ad-interim order and the Applicant has co-operated with the investigation.

5. On the other hand, Ms. Newton, learned APP and Mr. Ghorpade, learned Counsel for Respondent No. 2 strongly opposes the Anticipatory Bail Application. Both of them submit that the Applicant is involved in the crime of misappropriation of huge amount to the tune of Rs.2,63,15,942/-. Both of them submit that the Applicant was working as Manager of the Petrol Pump of the First Informant and he has committed the serious crime. Ms.

Newton, learned APP points out paragraph No. 10 of the Report of the Investigating Officer and submits that the Applicant is misrepresenting the investigation and therefore the application be rejected.

6. Before considering the rival contentions, it is necessary to set out the prosecution case. As noted hereinabove as per the prosecution case, the Applicant, who was working as Manager at Petrol Pump committed misappropriation of an amount of Rs.2,63,15,942/-. The prosecution case as reflected in the statement of the First Informant dated 27th July 2024 is as under :

> "i. The First Informant- Akshay Balkrishna Kale runs a Petrol Pump in the name "Auto Corner" at Kunjeerwadi, Taluka – Haveli, District – Pune.
>
> ii. Since 2008, Nitin Ramchandra Raipure i.e. the present Applicant had been working as the Manager at the said Auto Corner Petrol Pump and was looking after all accounting work when Balkrishna Kale i.e. the First Informant's father was looking after the business.
>
> iii. On 30th September 2018 said Balkrishna Kale passed away and thereafter Akshay Kale- the First Informant started looking after the business. The prsent Applicant continued to work under the First Informant as manager and looking after the accounting work.
>
> iv. In March 2024, Akshay Kale and his mother Vijaya Kale took a commercial loan from Saraswat Bank for a construction business. After taking the loan, Akshay Kale

asked the Applicant -Nitin Raipure to produce detailed accounts of the petrol pump transactions and information about credit customers.

v. For several days following the request in March 2024, the Applicant - Nitin Raipure did not provide the accounts and gave evasive replies. Nitin repeatedly stated that if he was not trusted, he would leave the job.

vi. Thereafter the First Informant- Akshay Kale discussed the issue with his mother and his maternal uncle, Pravin Chandrakant Khedekar, who has 16 years of petrol pump experience and requested the maternal uncle to help in the matter.

vii. Maternal uncle - Pravin began visiting the petrol pump to review the records. Pravin checked daily sales records, the cashier's drawer and accounts from 2018 onwards and noticed bogus entries related to fuel testing.

viii. Thereafter the First Informant – Akshay Kale and his maternal uncle - Pravin Khedekar then obtained the bank statements in respect of the Petrol Pump-Bank Account bearing No. 08680200000856, with the Bank of Baroda, Theur Branch for the period 2018–2024.They also found the Nitin Raipure's personal bank statement from December 2018 to March 2024 at the petrol pump office.

ix. **Upon checking Nitin Raipure's personal account, Akshay Kale and Pravin Khedekar discovered that Nitin had been receiving payments directly from petrol pump credit customers into his personal bank account instead of depositing them into the official petrol pump account**.

x. **Akshay Kale and his family had previously warned Nitin Raipure not to engage in such practices, but he continued doing so without informing them. When confronted about the embezzled money, Nitin gave vague** answers and then immediately went to Yog Hospital, Shwal Wadi, Pune and got himself admitted there. After getting discharged, Nitin stopped reporting to work at the petrol pump.

xi. Following these events in 2024, Akshay appointed a private auditor by name Sakina Jujer Kachwala, a Chartered Accountant to audit the petrol pump accounts for the years 2018 to 2024.

xii. The audit revealed that the said Nitin Raipure has embezzled monies in the following four manners :

(a) He would create an impression that he was regularly getting done testing of petrol and diesel available at the petrol pump, but without getting the testing done, he made false claims that he had got done the testing and embezzled the money in respect thereof.

(b) He got the amounts for sale of petrol / diesel from the persons having accounts with the Petrol Pump transferred to his personal account directly and embezzled the said amounts.

(c) He gave false excuses to the Cashier telling him that he wanted to pay monies to our family members, obtained huge amounts from the Cashier and instead of paying the said amounts to our family members, embezzled the said amounts.

(d) Suspicious entries in respect of the huge amounts transferred to the Bank Account of the Manager by name Nitin Raipure.

7. In view of above prosecution case, it is necessary to consider submission of Mr. Purwant, learned Counsel of the Applicant that an aggregate amount of Rs.58,00,000/- has been deposited by the Applicant either in the account of the First Informant or the mother of the First Informant or in the account of the Petrol Pump.

8. Ms. Newton, learned APP points out paragraph No. 10 of the Report of the Investigating Officer where it is stated in paragraph No.10 as under :

१०) आरोपीने फिर्यादीस पैसे परत केले बाबत एक्सलशीट विवरण सादर केले आहे. सदर एक्सलशीट विवरणामध्ये नमुद केलेल्या पेमेंट पोर्टल/ यु.पी.आय. आय.डी याचे बेनिफीशरी खात्याबाबत बँकेकडुन प्राप्त माहितीमध्ये आरोपीने फिर्यादी यांना पैसे परत केल्याचे दिसत नसुन सदरचे बेनिफीशरी खाते हे आरोपी नामे नितीन रामचंद्र रायपुरे याची पत्नी रेवती नितीन रायपुरे, प्राची नितीन रायपुरे व इतर यांचे असुन सदरचे पैसे त्यांचेच खात्यामध्ये गेल्याचे दिसुन येत असुन सदरचे बेनिफीशरी खात्याची माहिती पुढील प्रमाणे आहे.

१	दिनांक	युटीआर नंबर	खातेदाराचे नाव (ज्या खात्यामध्ये पैसे गेले त्या खातेदाराचे नाव)	खाते नंबर	रक्कम
1	03.01.2022	MBK/20027620132	REVATI NITIN RAYPURE	8680100016037	45000/-
2	01.02.2022	MBK/203218163157	REVATI NITIN RAYPURE	8680100016037	50000/-
3	21.02.2022	MBK/205177322853	PRACHI NITIN RAYPURE	8688100001570	40000/-
4	01.03.2022	MBK/206096205628	REVATI NITIN RAYPURE	8680100016037	55000/-
5	18.04.2022	MBK/210859203021	REVATI NITIN RAYPURE	8680100016037	40000/-
6	21.09.2022	MBK/226440149827	PRACHI NITIN RAYPURE	8688100001570	20000/-
7	15.06.2022	MBK/016718827466	PRACHI NITIN RAYPURE	8688100001570	100/-
8	23.04.2022	UPI/211302170975	SHANKAR SHESHRAO GHORMODE	80016081806	12522/-
9	19.05.2022	UPI/213958684920/11	SUNIL SCOOTERS	8888812380	15999/-
10	14.09.2022	UPI/hppayandhhppaydirect	Nodal account	50200015779643	100/-
11	14.09.2022	UPI/hppaydirectupi.7606	Nodal account	50200015779643	5000/-
				फिर्यादीस प्राप्त न झालेली एकुण रक्कम	2,83,721/-

English Translation of Paragraph 10 is as under:

"10) **The Accused has produced a Statement in Excel Sheet to the effect that he had returned the monies to the Complainant. When the information about the beneficiary accounts to which the payments have been made through the Payment Portals / U.P.I. IDs as mentioned in the said Statement in Excel Sheet is obtained from the Bank, it is seen therefrom that the Accused did not return monies to the Complainant and that the said beneficiary accounts are of Revati Nitin Raipure, wife of the Accused by name Nitin Ramchandra Raipure, Prachi Nitin Raipure and others and**

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> **that the said monies have been transferred to their accounts itself. The particulars of the said beneficiary bank accounts is as mentioned hereinbelow**:..”

9. Thus, what the Investigating Officer has found after investigation that although the Applicant has produced excel-sheet and contended that various amounts have been re-transferred in the account of the Petrol Pump or in the account of the mother of the First Informant or in the account of the First Informant, in fact, the amounts have been transferred in the account of the Applicant’s wife, daughter and some other relatives. Thus, this is a case where custodial interrogation is required.

10. The Supreme Court in the case of **Y. Vs. State of Rajasthan**[1] has held that the grant of bail requires the consideration of various factors which ultimately depends upon the specific facts and circumstances of the case before the Court, however, there is no straitjacket formula which can ever be prescribed as to what the relevant factors could be. However, certain important factors that are always considered, inter alia, relate to *prima facie* involvement of the accused, nature and gravity of the charge, severity of the

1 (2022) 9 SCC 269

punishment, and the character, position and standing of the accused.

11. The Applicant was the Manager of Petrol Pump. Admittedly, huge amounts were transferred in his personal account. Although, it is the contention of the Applicant that the same has been done at the request of the owner of Petrol Pump and thereafter the amount which he has received has been transferred in the accounts of the Petrol Pump, mother of the First Informant and the First Informant, however, said contention is found to be incorrect as during investigation, it was found that the said amounts were transferred in the accounts of the Applicant's wife, daughter and some other persons. Thus, custodial interrogation is necessary.

12. The Supreme Court in the case of ***Nikita Jagganath Shetty alias Nikita Vishwajeet Jadhav v. State of Maharashtra***[2], has held that the Anticipatory Bail is an exceptional remedy and ought not to be granted in a routine manner. There must exist strong reasons for extending indulgence of this extraordinary remedy to a person accused of grave offences. It has been further held that while

2 2025 SCC OnLine SC 1489

called upon to exercise the said power, the Court concerned has to be very cautious as the grant of interim protection or protection to the accused in serious cases may lead to miscarriage of justice and may hamper the investigation to a great extent as it may sometimes lead to tampering or distraction of the evidence. The said observations of the Supreme Court are squarely applicable to the present case.

13. The Supreme Court in the case of **State Rep. by the C.B.I. Vs. Anil Sharma**[3] has held that the custodial interrogation is qualitatively more elicitation-oriented than questioning a suspect who is well ensconced with a favourable order under Section 438 of the Code. It has been held that for effective interrogation of a suspected person in a serious case, custodial interrogation is necessary.

14. This is a case where the Applicant is involved in a serious crime. Accordingly, the custodial interrogation is necessary.

15. Thus, no case is made out for grant of Anticipatory Bail. The Anticipatory Bail Application is dismissed.

3 (1997) 7 SCC 187

16. At this stage, Mr. Purwant, learned Counsel for the Applicant prayed for continuation of ad-interim Order for some time, however, as the offence is very serious, and the Applicant produced excel-sheet before the Investigating Officer and after investigation it is found that the contents of said excel-sheet are misleading and false, there is possibility of tampering with the evidence and therefore, said request is rejected.

(MADHAV J. JAMDAR, J.)

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