

**Order below exh.1 in Criminal Bail Application No. 11/2023**

**CNR No. MHPU21-000022-2023**

(Surajprasad Bhaiyalal Sharma Vs. State of Maharashtra)

1. This is an application for regular bail in connection with CR No. 05 of 2023, registered with Chakan (Mahalunge) police station for the offence punishable under section 408 of IPC.
2. Perused the application and Say of the Ld. Prosecution. Heard the Ld. Addl. P. P. and Ld. Advocate for the accused. Perused the FIR and other documents placed on record.
3. As per the case of prosecution, the applicant was working with Just Dog Pvt. Ltd. Company, Kuruli as Assistant Manager and the informant was the Supervisor. The work to supply dog food to the customers was to be looked after by the applicant. It was duty of the informant Supervisor to look after the entire business. On 26/12/2022 the informant found some lapses regarding the supply and demand of the dog food of the company. Therefore, on his close watch it came to know that the applicant with defrauding the company committed misappropriation of the dog food worth Rs. 2,29,157/- and therefore the report came to be lodged with police station and crime was registered. The applicant was arrested on 10/01/2023 in the said crime.
4. As per the Ld. Advocate for the applicant, though he was working as Assistant Manager in the company, however, not committed the fraud as alleged. Factually, as per the direction of the owner and Supervisor, he sold the dog food by giving discount of 30% as it was damaged and expired. As per the applicant from 26/12/2022 to 31/12/2022, he sold dog food worth Rs. 1,90,000/- and thereby the customer transferred Rs. 1,05,000/- on the account of his wife. The applicant has transferred Rs. 1,70,000/- on the account of his company. He has no concern about the crime, however, implicated in

the false prosecution. The applicant is ready to abide each and every conditions and hence prayed to enlarge him on bail.

5. On the other hand, as per the transaction, the applicant has misappropriated the dog food and this fact is well transpired in the course of investigation as the dog food worth Rs. 1,90,000/- came to be seized from customer Prashant Chavan. In such circumstances, if the applicant is granted bail, possibility to repeat the offence and to tamper the prosecution evidence is there. Hence, objected.

6. In the light of submissions I have gone through the FIR with case papers. As per the statement of customer Chavan, from 26/12/2022 to 31/12/2022 he purchased dog food worth Rs. 1,90,000/- from the company through the applicant. Accordingly he has transferred Rs. 1,05,000/- in the account of the wife of applicant as he was informed that the said company is owned by the applicant. The receipts of UPI payment produced by the applicant, transpire that total amount of Rs. 1,70,000/- has been transferred in the account of Just Dog company. At the same time, the police machinery has seized the dog food worth Rs. 1,90,000/- from customer Chavan. The record reveals that it was online transaction. Therefore, at this stage, it would not be just and proper to keep the applicant behind the bars on the allegations that he has committed criminal breach of trust by transferring the amount of sale in the account of his wife. No doubt during the trial it will be decided whether the applicant has committed the act in which he has been booked. At this stage, the record prima facie reveals a recovery of the dog food alongwith amount of Rs. 1,70,000/-. The applicant is in jail since last 20 days. Therefore, material investigation to the extent of applicant appears to be completed. No doubt, on 04/01/2023, the Ld. Judicial Magistrate rejected the bail application of the applicant. However, considering

the present circumstances and the period of his detention in the jail, it would be just to release him on bail with certain conditions so that his presence could be secured during the course of investigation and trial.

Thus, I proceed to pass following order –

**ORDER**

1. Application is allowed.
2. Applicant / Accused – Surajprasad Bhaiyalal Sharma shall be released in connection with Crime No. 05 of 2023, registered with Chakan (Mahalunge) police station for the offence punishable under section 408 of IPC, on furnishing P.R. Bond for the sum of Rs. 25,000/- with solvent surety in the like amount.
3. The applicant shall not misuse liberty in any manner.
4. The applicant shall co-operate the investigating machinery on written intimation as and when required.
5. The applicant shall not tamper with the prosecution evidence.
6. The applicant shall provide his temporary as well as permanent address alongwith proof to the court.
7. Bail before Ld. Trial court.

Khed.  
Date : 03/03/2023

(S. N. Rajurkar)  
Additional Sessions Judge,  
Khed-Rajgurunagar, Dist- Pune.

**CERTIFICATE**

I affirm that the contents of this P.D.F.file are same word for word as per original.

Name of Steno	:- Smt. S. S. Gadkari, Steno (Grade-I)
Court Name	:- Shri. S. N. Rajurkar, Additional Sessions Judge, Khed-Rajgurunagar, Dist- Pune
Date	:- 03/03/2023
Order signed by P.O. On	:- 03/03/2023
Order uploaded on	:- 04/03/2023

