

MHST010028682022



CRIM. BAIL APPLN. NO.730/2022

(Sachin Mahadev Chavan Vs.
The State of Maharashtra)

ORDER BELOW EXH.1 :-

This is an application for bail under Section 439 of the Code of Criminal Procedure (Cr.P.C.) in connection with C.R.No.458 of 2022, registered with Phaltan City Police Station, for the offences punishable under Sections 408, 420, 468, 381, 34 of the Indian Penal Code (I.P.C.).

2) Perused application, F.I.R., remand papers and reply filed by the learned A.P.P. at Exh.4. Heard learned counsel appearing for the applicant and learned A.P.P. appearing for the State.

3) The F.I.R. reveals that, on 20.08.2022 accused No.1 had committed theft of 50 gunny bags of skimmed milk powder from the godown of Govind milk dairy by switching off the CCTV cameras hence, complaint was lodged on 28.08.2022 by the informant in Phaltan City Police Station. Thereafter, on verification of entire record of the godown, it was found that there was discrepancy in record stock, production, sales and godown register. On inquiry of the same with applicant/accused No.3 who is colleague of accused No.1, he avoided to give any information. When he was asked about

the record register in the skimmed milk powder godown, he showed his ignorance and told that it was kept by accused No.1. It was transpired that accused No.1 has committed misappropriation and concealed the register. Hence, Auditor was appointed and audit of entire period in which accused No.1 worked as Supervisor in said section was conducted, in which discrepancy of 656 bags of skimmed milk powder worth Rs.34,44,000/- was found. Hence, the informant lodged complaint on 19.09.2022 at Phaltan City Police Station.

4) Applicant submits that allegations in F.I.R. are false. No role is attributed to the applicant. Applicant is bonafide purchaser of the Govind Milk. He is falsely implicated. He is the only earning member of his family. He is permanent resident of the address given in the application. He has no criminal background. He will not tamper with prosecution evidence. He will co-operate with investigation. He is ready to abide by the conditions imposed.

5) Learned A.P.P. resisted the application on the grounds accused have stolen and sold milk powder worth Rs.34,44,000/- and thus, committed criminal breach of trust by cheating Govind Milk Dairy. Accused No.1 and accused No.3 sold the stolen milk powder bags to applicant/accused No.2 and he converted said milk powder into milk and *Khava* and sold the same. It appears that it is a planned crime. There might be involvement of other persons from the said firm. Investigation is in progress. Applicant may pressurize the witnesses. Hence, it is prayed to reject the application.

6) On perusal of F.I.R. and remand papers, it reveals that

50 bags of skimmed milk powder were stolen on 20.08.2022 and the complaint in said crime was lodged on 28.08.2022 against accused No.1. Thereafter, on audit of stock, discrepancy was found. Therefore, complaint in this crime is filed on 19.09.2022. Applicant/accused No.3 is arrested on 23.09.2022 and he is remanded in Magisterial Custody since 28.09.2022.

7) It appears that, investigation is in progress. There appears prima facie involvement of the applicant in the crime. The amount is yet to be recovered. Thus, there is merit in the apprehension of the learned A.P.P. that if the applicant is released on bail, possibility of pressurizing the witnesses by him cannot be ruled out. Offence is serious in nature. Thorough investigation is required. Considering the gravity and seriousness of the offence, there is a strong possibility that applicant may tamper with the evidence or pressurize the witnesses if released on bail. Thus, it is not a fit case to grant bail. Therefore, I proceed to pass following order.

ORDER

The application is rejected.

Satara.
Date : 14.10.2022

(N.H. Jadhav)
Additional Sessions Judge,
Satara