



ITEM NO.5

COURT NO.6

SECTION II-A

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Crl.) No(s).14826/2023

(Arising out of impugned final judgment and order dated 25-09-2023 in ABA No. 2689/2023 passed by the High Court Of Judicature At Bombay)

BAJRANG SUNDERPRASAD TIWARI

Petitioner(s)

VERSUS

STATE OF MAHARASHTRA

Respondent(s)

(IA No.235996/2023-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.235998/2023-EXEMPTION FROM FILING O.T.

IA No. 235996/2023 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT
IA No. 235998/2023 - EXEMPTION FROM FILING O.T.)

Date : 14-02-2024 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE HRISHIKESH ROY
HON'BLE MR. JUSTICE PRASHANT KUMAR MISHRA

For Petitioner(s) Mr. Varun Varma, Adv.
Mr. Atul Chaturvedi, Adv.
Ms. Saloni Kaushik, Adv.
Mr. Hitesh Kumar Sharma, Adv.
Mr. Anuj Tiwari, Adv.
Mr. Shubham Rajhans, Adv.
Mr. Prashant Kumar Jha, Adv.
Ms. Himali Choudhary, Adv.
Mr. V. N. Raghupathy, AOR

For Respondent(s) Mr. Anand Dilip Landge, Adv.
Mr. Siddharth Dharmadhikari, Adv.
Mr. Aaditya Aniruddha Pande, AOR
Mr. Bharat Bagla, Adv.
Mr. Sourav Singh, Adv.
Mr. Aditya Krishna, Adv.
Ms. Preet S. Phanse, Adv.
Mr. Adarsh Dubey, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Heard Mr. Varun Verma, learned counsel appearing for the petitioner.

2. Notice in this case was issued on 21.11.2023, with the following order:-

"Heard Mr. Varun Varma, learned counsel appearing for the petitioner.

The counsel submits that the petitioner was only an employee of the Company and the Managing Director of the Company on her own had executed a Deed of Undertaking on 07.02.2022 (Annexure P/2) agreeing to refund a sum of ₹ 1,71,13,000/- (Rupees One Crore Seventy One Lakhs Thirteen Thousand Only) to the informant. Moreover she has issued multiple cheques for such amount.

The next submission of the counsel is that the transactions are entirely of civil nature but a criminal colour is added in the complaint in order to pressurise the people named in the FIR.

So far as ₹15,00,000/- (Rupees Fifteen Lakhs Only) credited in the account of the petitioner, the counsel refers to the receipts (Annexure P/1) to point out that those were expenses incurred by the petitioner in course of his employment and therefore the amount of ₹15,00,000/- (Rupees Fifteen Lakhs Only) was the reimbursement for the costs incurred by the petitioner.

Issue notice, returnable in three weeks.

In the meantime, the petitioner is protected from arrest. The petitioner is permitted to serve Dasti notice additionally, on the Standing Counsel for the State of Maharashtra."

3. Thereafter, counter is filed by the State of Maharashtra and Mr. Anand Dilip Landge, learned counsel appearing for the State submits that although initially the petitioner had not joined the investigation, following the last notice under Section 41A of the CrPC, the petitioner has joined the investigation in the case.

4. The petitioner's counsel would point out that all the other co-accused barring the Managing Director of the concerned Company have been granted bail and the petitioner being an employee of the Company, being on the same footing as other co-accused (Pravin Kadam and Sanjay Pandey) should have been granted the parity relief.

5. In view of the bail granted to the co-accused, we deem it appropriate to favourably consider the pre-arrest bail for the petitioner. Accordingly, if the Police wish to arrest the petitioner (Bajrang Sunderprasad Tiwari) in connection with the case arising out of

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FIR No.415/2023, he shall be released on bail upon furnishing bail bond of Rs. 20,000/-, to the satisfaction of the Arresting Officer.

6. With the above order, the Special Leave Petition is disposed of. Pending application(s), if any, stand closed.

(DEEPAK JOSHI)
COURT MASTER (SH)

(KAMLESH RAWAT)
ASSISTANT REGISTRAR