

MHCC050066002022



**IN THE COURT OF SESSIONS AT DINDOSHI  
(BORIVALI DIVISION), GOREGAON, MUMBAI**  
**ANTICIPATORY BAIL APPLICATION NO. 1971 OF 2022**  
**IN**  
**( C.R. No.10 of 2022 of Powai Police Station )**

**Vijaykumar Tanaji Lokhande**  
Aged:33 years, Occ.:Nil  
R/at- C/o. PRBC Colony, Near Maruti  
Mandir, Majalgaon, Kesapuri Camp, Kesapuri,  
Taluka: Majalgaon, Dist.: Beed.

**..Applicant**

**Vs**

**The State of Maharashtra**  
( At the instance of Powai Police Station)

**..Respondent**

Ld. Adv. Shri. Swapnil Chopade, for the Applicant.  
Ld. Addl. P P Smt. Poornima Chauhan, for the State.

**CORAM : HIS HONOUR ADDL. SESSIONS JUDGE,  
SHRI. TUSHAR T. AGLAWE  
(C.R. No.16)**

**Date : 16<sup>th</sup> December 2022.**

**ORAL ORDER**

Applicant Vijaykumar Tanaji Lokhande has filed present application under Section 438 of the Code of Criminal Procedure 1973 apprehending his arrest in Crime No.10/2022 registered with Powai Police Station.

2. Perused application and say of Investigating Officer filed below Exh.2.

3. Heard learned advocate for applicant and learned Addl.PP for the State.

4. The FIR is registered against the applicant/accused on 04.01.2022 for the offence punishable under Section 408 of IPC.

5. It is contended that, the applicant is innocent and falsely implicated. It is alleged that, applicant committed misappropriation of salary of employees for the month of October, 2021. Whereas, he had already resigned and relieved from the service on 01.10.2021. He has good background and deep roots in the society. He is only earning member of the family. He is ready to abide by terms and conditions imposed by the Court. Therefore, protection from arrest be granted.

6. The Investigating Officer has opposed the application on the ground that, applicant has committed criminal breach of trust of the owner and has misappropriated amount of Rs.1,73,190/-. The applicant has been absconding. If application is allowed, then the applicant will not assist the investigation.

7. Perused the documents filed by applicant and perused the charge-sheet.

8. It is not disputed that, applicant was working with ANSEC Human Resources Services Limited. The applicant is relying upon his resignation letter dated 27.09.2021 and the acceptance letter of the

company dated 29.09.2021. It is stated in the letter of acceptance that, applicant is relieved from 01.10.2021.

9. It is specific case of the informant that, accused has misappropriated the salary of 7 Security Guards on 03.11.2021. Emphasis of applicant is that, when he is relieved on 01.10.2021, how can he misappropriate the amount on 03.11.2021. The statements of account in the case diary reflect that, the accounts of applicant with Kotak Mahindra Bank and State Bank of India has a deposit on 03.11.2021 by NEFT from the account of ANSEC Human Resources Services Limited. Similarly, the statement of account in the name of Shakuntala Vijaykumar Lokhande, prima facie the wife of applicant, reflect deposit on 03.11.2021 by NEFT from the account of ANSEC Human Resources Services Limited. If at all, applicant is relieved on 01.10.2021 then how the 3 amounts are credited to the bank accounts of applicant and his wife on the same date i.e. on 03.11.2021 is a question, which advocate for applicant has not clarified. It is seen that, applicant has absconded himself from the date of alleged offence. Applicant has not attended the Investigating Officer. In view of the deposits in the bank accounts of applicant and his wife, custodial interrogation of applicant is warranted. Hence, I proceed to pass following order:

**ORDER**

Anticipatory Bail Application No.1971 of 2022 is rejected and disposed of accordingly.

16/12/2022

(Tushar T. Aglawe)  
Addl. Sessions Judge,  
Borivali Division, Dindoshi, Mumbai

Dictated on : 16/12/2022  
Transcribed on : 16/12/2022  
Checked & Signed by HHJ on : 16/12/2022

<b>“CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED JUDGMENT/ORDER.”</b>	
<b>UPLOADED ON 17.12.2022 AT 06.15 PM</b>	
<b>Mrs. J.S. Gawai</b>	
<b>NAME OF STENOGRAPHER</b>	
Name of the Judge (with Court Room No.)	HHJ Shri. T. T. Aglawe, C.R. No.16.
Date of Pronouncement of Judgment/Order.	16/12/2022
Judgment/Order signed by P.O. on	16/12/2022
Judgment/Order uploaded on	17/12/2022