IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1676 OF 2015

Chandrakant Anandrao Deshmukh **.... APPLICANT**

V E R S U S

The State of Maharashtra & Anr. **.... RESPONDENTS**

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Mr. P.R.Patil, Advocate for Applicant.
Mr. A.S.Shinde, A.P.P. for R – 1 State.

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CORAM : V.M.DESHPANDE, J.
DATE : 20th APRIL, 2015

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PER COURT :

1. This is an application for grant of anticipatory bail since the applicant is apprehending his arrest in connection with Crime No. 72/2014 registered with police station Kalamnuri, district Hingoli for the offences punishable u/s 409,420,467,468,471 read with 34 of the Indian Penal Code.

2. Heard Mr.P.R.Patil, learned counsel for the applicant and Mr.A.S.Shinde, learned A.P.P. for respondent No. 1 – State. The State has filed its detailed reply opposing the present application for anticipatory bail.

3. F.I.R. is lodged on the basis of the Audit report done by the statutory auditor of the Parbhani District Central

Co-operative Bank, Parbhani, in which the auditor has noticed that the present applicant, the cashier of the said bank and others have committed systematic fraud on the bank by showing bogus accounts and then withdrawing the amount from the account of actual account holder and mis-appropriated the said account. According to the audit report, present applicant has mis-appropriated Rs. 80,06,572/-. Present applicant, during the relevant time, was discharging his duties as branch manager of the said bank. The submission of the learned counsel for the applicant is that on 31/12/2011, present applicant stood retired from service on he attaining the age of superannuation. According to F.I.R., auditor detected fraud and reported that there is mis-appropriation. Learned counsel for the applicant submitted that the applicant can not be held responsible for the same. The submission of the learned counsel is highly mis-placed. The audit was conducted by the statutory auditor when the applicant was in service and when he was discharging his duties as branch manager of the said bank. During that period, the auditor has noticed mis-appropriation. Learned counsel for the applicant tried to shift the entire blame on the cashier. According to him, the cashier has mis-appropriated the amount. The said submission of learned counsel for the applicant can not be accepted for the reason -

(i) The applicant was the branch manager of the said bank. Transactions are routed through him.

(ii) The applicant was having entire control, both supervisory as well as administrative, of the said branch.

(iii) The statutory auditor in the audit report has found that the cashier has mis-appropriated the amount of Rs. 47,94,959/-. That amount is different from the amount of Rs. 80,06,572/-, which is alleged to have been mis-appropriated by the present applicant.

4. Looking to the nature of the accusations made, the seriousness of the offence and in view of the fact that money of small depositors is involved and they are duped by the person like present applicant, who was supposed to be the custodian of their deposited money, discretionary relief can not be exercised in favour of such applicant.

5. In that view of the matter, present Criminal application is dismissed. Interim order dated 01/04/2015 granted by this Court stands vacated.

[V.M.DESHPANDE, J.]