

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 2717 OF 2015

Subhash s/o Uttamrao Godbole & Ors. **APPLICANTS**

V E R S U S

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

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Mr. S.J.Salunke, Advocate for Applicants.

Mr. U.S.Mote, A.P.P. for R.No. 1 – State.

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WITH

CRIMINAL APPLICATION NO. 2747 OF 2015

Bhagwan s/o Bhimrao Ghodke & Anr. **APPLICANTS**

V E R S U S

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

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Mr. P.M.Shinde, Advocate for Applicants.

Mr. U.S.Mote, A.P.P. for R.No. 1 – State.

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CORAM : V.M.DESHPANDE, J.

DATE : 26th JUNE, 2015

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PER COURT :

1. These two applications are filed by the applicants since the applicants are apprehending their arrest in connection with Crime No. 80/2015 registered with Badnapur police station, District Jalna for the offences punishable u/s 467,468,471,406,420 of the Indian Penal Code.

2. Heard Mr. S.J.Salunke, learned counsel for the applicants in Criminal Application No. 2717 of 2015, Mr. P.M.Shinde, learned counsel for the applicants in Criminal Application No. 2747 of 2015 and Mr. U.S.Mote, learned A.P.P. for respondent No. 1 – State in both the applications.

3. All the applicants in these two applications are the employees of Jalna District Central Co-operative Bank, branch Shelgaon, Tq. Badnapur, Dist. Jalna. Applicant No. 1 Subhash s/o Uttamrao Godbole is the Manager and Applicants No. 2 Raosaheb s/o Raghunathrao Jadhav and applicant No. 3 Sachin s/o Akaram Kolte are the Clerks in Criminal Application No. 2717 of 2015. Applicant No. 1 Bhagwan s/o Bhimrao Ghodke is the Agent-cum-Cashier and Applicant No. 2 Manik s/o Ambadas Toge is the Clerk-cum-Inspector in Criminal Application No. 2747 of 2015.

4. Gangadhar Pandharinath Dabhade lodged F.I.R. According to the prosecution case, present applicants have mis-appropriated the amount of grant received from the Government on account of calamities.

5. F.I.R. would reveal that the preliminary enquiry was already conducted by the authorities. It is not in dispute that all the applicants are already suspended from the service and they have no control over any of the document of the said bank. The statement made by the learned counsel for the applicants in Criminal Application No. 2717 of 2015 that applicant Subhash has deposited entire amount which was shown in the preliminary report that he is responsible for such amount, is paid by him. Similarly, applicant Raosaheb in the said Criminal Application has deposited Rs. 1,02,682/- and applicant Sachin in the said Criminal Application has deposited entire amount in the said bank. Said statement made by the learned counsel for the applicants in Criminal Application No. 2717 of 2015 is duly approved by the learned A.P.P. on the instructions from the Investigating Officer.

Learned counsel for the applicants in Criminal Application No. 2717 of 2015, upon instructions, submitted that applicant Raosaheb will deposit Rs. 75,000/- [Rupees Seventy Five Thousand] within a period of four weeks from today in the said bank.

Learned counsel for the applicants in Criminal Application No. 2747 of 2015, upon instructions, submitted that applicant No. 1 Bhagwan and applicant No. 2 Manik will deposit Rs. 1,00,000/- [Rupees One Lakh] each within a period of four weeks from today in the said bank.

6. The present applicants are already suspended from the service, learned A.P.P. has fairly stated that entire documents pertaining to the present case are already seized

and they are in the custody and in possession of the Investigating Officer and also the enquiry by the bank officials is already completed, therefore, the custodial presence of the present applicants in both these Criminal Applications is not warranted. That leads me to pass the following order.

- (i) Present both Criminal Applications are hereby allowed.
- (ii) In the event of arrest in connection with Crime No. 80/2015 registered with Badnapur police station, District Jalna for the offences punishable u/s 467,468,471,406,420 of the Indian Penal Code, applicant Applicant No. 1 Subhash s/o Uttamrao Godbole, Applicants No. 2 Raosaheb s/o Raghunathrao Jadhav and applicant No. 3 Sachin s/o Akaram Kolte in Criminal Application No. 2717 of 2015 and Applicant No. 1 Bhagwan s/o Bhimrao Ghodke and Applicants No. 2 Manik s/o Ambadas Toge in Criminal Application No. 2747 of 2015 be released on anticipatory bail on they executing P.R. Bond of Rs. 5,000/- [Rupees Five Thousand] with one solvent surety of like amount by each of them.
- (iii) Applicant No. 2 Raosaheb s/o Raghunathrao Jadhav in Criminal

Application No. 2717 of 2015 shall deposit Rs. 75,000/- [Rupees Seventy Five Thousand] within a period of four weeks from today in Jalna District Central Co-operative Bank, branch Shelgaon, Tq. Badnapur, Dist. Jalna.

After the deposit of said amount, he shall produce the receipt showing deposit of the said amount in the said bank to the Investigating Officer.

- (iv) If the amount is not deposited within a period of four weeks from today and if the Applicant No. 2 Raosaheb s/o Raghunathrao Jadhav in Criminal Application No. 2717 of 2015 fails to hand over the receipt to the Investigating Officer showing deposit with the bank, Investigating Officer will be at liberty to file the application for cancellation of bail against applicant No. 2 Raosaheb before this Court.
- (v) Applicant No. 1 Bhagwan s/o Bhimrao Ghodke and Applicant No. 2 Manik s/o Ambadas Toge in Criminal Application No. 2747 of 2015 shall deposit Rs. 1,00,000/- [Rupees One Lakh] each in Jalna District Central Co-operative Bank, branch

Shelgaon, Tq. Badnapur, Dist. Jalna within a period of four weeks from today.

After the deposit of said amount, they shall produce the receipt showing deposit of the said amount in the said bank to the Investigating Officer.

- (vi) If the said amount is not deposited within a period of four weeks from today and if the Applicant No. 1 Bhagwan s/o Bhimrao Ghodke and Applicants No. 2 Manik s/o Ambadas Toge in Criminal Application No. 2747 of 2015 fails to hand over the receipt to the Investigating Officer showing deposit with the said bank, Investigating Officer will be at liberty to file the application for cancellation of bail against Applicant No. 1 Bhagwan and Applicant No. 2 Manik before this Court.
- (vii) The amount so deposited by the applicants in present both Criminal Applications shall be treated as amount in the present Crime.
- (viii) All the applicants in present both Criminal Applications shall attend Badnapur police station as and when required by the Investigating Officer. However, Investigating Officer should give written

communication to them well in advance
not less than 24 hours.

- (ix) With these observations, present both
Criminal Applications are disposed of.

[V.M.DESHPANDE, J.]

KNP/Cr.Apln. 2717....2015