

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

CRIMINAL APPLICATION NO.4696 OF 2015

Sadashiv s/o Ramchandra Patil
Age 52 years, Occu.
R/o 3, Yogiraj Arched,
Jaibhavani Nagar road,
N-4, CIDCO, Aurangabad

..Applicant

Versus

The State of Maharashtra,
through Police Inspector,
Police Station, CIDCO,
Aurangabad, District Aurangabad

..Respondent

Mr Mahesh Deshmukh, Advocate h/f Mr U.L. Momale, Advocate for
applicant
Smt. M.S. Patni, A.P.P. for respondent

CORAM : N.W. SAMBRE, J.

DATE : 11th September 2015

PER COURT

Heard.

2. This is an application for grant of anticipatory bail moved by one of the accused in Crime No.I-377/2015, registered at CIDCO Police Station, Aurangabad for offences punishable under Sections 420, 468, 424, 425, 463, 464, 470, 405, 408, 409 read with Section 34 of the Indian Penal Code.

3. It is claimed by the applicant that he was working as Junior Officer (Authorising Officer) at Maharashtra State Co-operative Bank, CIDCO Branch, Aurangabad and was entrusted with the duty of verifying the entries made in the account pursuant to the cheques issued by the account holders.

4. While doing so, it is alleged that he has forged the entries and has withdrawn the amount from the account of private individuals which fact, upon noticed, was taken cognizance of by the Bank by issuing him show-cause notice. After conducting departmental inquiry, the applicant was terminated from the service and amount of defalcation was ordered to be recovered from the dues, which were payable to him.

5. Learned Counsel for the applicant, while pressing for grant of pre-arrest bail would urge that in view of the fact that the applicant is no more in the service of the Bank, hence, there is hardly any scope for tampering with the evidence. According to him, in proceedings relating to departmental inquiry, entire evidence was taken into account and is available for investigation agency. According to him, there is nothing to be recovered from the applicant and as such custodial interrogation is not required.

6. Learned Counsel for the applicant relied upon the authorisations issued by account holders in his favour, particularly page 66 permitting him to withdraw amount from the account of individual and as such, submits that he was falsely implicated in the crime.

7. While opposing the prayer for grant of pre-arrest bail, learned Assistant Public Prosecutor has invited attention of this Court to the nature of duties entrusted with the present applicant and the Sections

under which he was charged for commission of offence. She would urge that once in the domestic proceedings he was held to be responsible which was not challenged in any Court and having suffered the order of dismissal from service, same prima facie demonstrate the involvement of the applicant in the crime in question. In addition to above, she would urge that the authorisations for withdrawal of amount which are placed on record depict individual letters written by the account holders to the Manager and such documents are never taken into account for the purpose of withdrawal to be drawn from the respective accounts by the holders or accused, as only the banking instrument/document is used for the said purpose. She submits that accused-applicant has tried to create false evidence.

8. According to her, there is prima facie involvement of the present applicant in the crime in question and as such, seeks rejection of the application.

9. Having considered the rival submissions made by the parties, and upon perusal of accusations against the present applicant, prima facie demonstrate the involvement of applicant in the offence. At the relevant time, applicant has withdrawn the amount from the account of individual without any authorisation. The authorisations which are sought to be relied upon are on plain piece of paper, are not in tune with the Banking Regulation and practice and perhaps are created by the present applicant with an intention to take shelter of in the present criminal case.

10. Apart from above, if the protection, as sought for is granted to the applicant, the involvement of the present applicant and his accomplice in the commission of the crime in question will, in my opinion, hamper the investigation.

11. In view thereof, in my opinion, there is prima facie involvement of applicant in the crime in question. As such, no case is made out for grant of pre-arrest bail. Application stands dismissed.

(N.W. SAMBRE, J.)

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