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

CRIMINAL APPLICATION NO.4970 OF 2015

Rajusingh Shankarsingh Thakur ..APPLICANT

VERSUS

The State of Maharashtra ..RESPONDENT

Mr P.S. Paranjape, Advocate for applicant;
Mr S.N. Ganachari, A.P.P. for respondent;
Mr Sachin S. Deshmukh, Advocate to assist Addl. Public Prosecutor

CORAM : N.W. SAMBRE, J.

DATE : 14th October, 2015

ORAL ORDER :

This is an application for grant of pre-arrest bail by the applicant, in connection with C.R. No.6 of 2014, registered with police station, Hingoli (Town), for offences punishable under sections 409, 420, 467, 468 and 477-A of the Indian Penal Code, pursuant to a complaint filed under section 156 (3) of the Code of Criminal Procedure.

2. The applicant claims to be an employee of the Bank and the allegations of conspiracy are made against him.

3. Heard Mr Paranjape, learned Counsel appearing on behalf of the applicant at length. While trying to make out a case for grant of pre-arrest bail, learned Counsel has invited my attention to the fact that even though there were about four complaints against the present applicant, he is already acquitted in one of them, i.e. in Regular Criminal Case No.312 of 2007, on 11th December, 2013. Apart therefrom, he would submit that, whether the applicant has committed an offence and a case for issuance of

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process against him is made out or not, is already *sub-judice* at the behest of one Balaprasad s/o Gyaniramji Joshi, in Criminal Revision No.4 of 2014.

4. In the above referred background, learned Counsel would urge that once the main accused, i.e. one Sanjay Pande is already released on bail, custodial interrogation of the present applicant is not at all necessary and this Court, while dealing with the said issue, should keep in mind the liberty of the applicant. He, therefore, prayed to grant pre-arrest bail to the applicant.

5. While opposing the application, learned Addl. Public Prosecutor, assisted by learned Counsel for the complainant, would urge that the applicant herein is in habit of committing such crimes, as is apparent from initiation of four complaint cases against him. Apart therefrom, he would urge that the applicant being an employee of the Bank, a financial institution, is required to act in trust. He would further urge that if the employee of the Bank, like applicant, is committing fraud on the Bank will result in losing the faith in the financial institution of that of customers. This is a fit case in which this Court should not show indulgence. Apart from above, it is pointed out that there is *prima facie* case against the applicant, as is apparent from investigation papers. He would further urge that the applicant herein has withdrawn an amount of Rs.2,38,000/- against salary mortgage loan account and the said amount is not repaid to the Bank, resulting into an outstanding dues of Rs.5,43,754/-.

6. Upon perusal of the case diary and analyzing the statements made by the respective parties, it is required to be noted that the applicant herein is an employee of the Bank, who has acted in aid of main accused Sanjay Pande, who has committed fraud on the Bank and has withdrawn the amount. The applicant herein, being an employee of the Bank, was required to act in trust of the Bank and *prima facie*, there is material available on record to demonstrate that the applicant is involved in the commission of the crime in question. In view of the fact that there is *prima*

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facie involvement of the applicant in commission of financial crime, it will be appropriate to reject the present application. In the result, Criminal Application stands rejected.

(N.W. SAMBRE, J.)

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