

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

CRIMINAL APPLICATION (ABA) NO.113/2015

Nitin Ramdas Rodge.vs.State of Maharashtra, thr. PSO P.S.Umarkhed, Dist. Yavatmal

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Mr. Shashibhushan Wahane, Advocate for applicant.
Mr. Bhoyar, A.P.P. for non applicant-State.
Mr. A. A. Naik, Advocate for intervenor.

CORAM : A.B. CHAUDHARI, J.
DATE : JULY 9, 2015.

Heard learned counsel for the parties.
Perused the case diary produced before me by the
Investigating Officer Mr. Sadashiv Nagorao Bhadikar,
A.P.I., Police Station, Umarkhed, Dist. Yavatmal.

It clearly appears that the applicant was
transferred to Umarkhed go-down of the Maharashtra
State Warehousing Corporation vice Mr. D. S.
Merkar, who was transferred 1 ½ years back to
Jalgaon from Umarkhed. However, he did not report
at Jalgaon and forcibly stayed at the Umarkhed go-
down even after arrival of the applicant, he continued
his activities of accepting Rs.4,000/- to Rs.5,000/-
from accused Shridhar Mane and allowed the goods
to be taken out from the go-down for sale or as the
case may be.

The Investigating Officer appeared before me and stated that said Merkar is absconding since February-2015 and has not been arrested. He will make efforts to arrest the said Merkar as soon as possible. This court feels that by this time the Investigating Officer ought to have arrested the said Merkar.

Be that as it may. Efforts should be made to arrest the said Merkar, who is the main accused person and who started his activities of pilferage in connivance with Shridhar Mane. Insofar as the present applicant is concerned, he used to take Rs.4,000/- to Rs.5,000/- under the able guidance of Merkar for clandestinely allowing the goods to be taken out of the go-down. I think, custody of the applicant is not required but he will have to join the investigation and attend Police Station, Umarkhed everyday for the purpose of investigation.

Next, it appears from the investigation papers that Washim Urban Cooperative Bank Ltd., which is the intervenor in this application represented by Mr.A. A. Naik, Advocate is also a party to the loot of public money, in the sense that the officers of Washim Urban Cooperative Bank Ltd. repeatedly sanctioned loan to Mr. Shridhar Mane,

without verifying the proposed hypothecated goods in the go-down of the Warehousing Corporation and thus lost about Rs.3,00,00,000/- which has now become irrecoverable. Mr. Naik assures this Court that the Washim Urban Cooperative Bank Ltd. would definitely take action against those who have been involved in sanctioning and releasing loans ultimately causing loss to the tune of Rs.3,00,00,000/-.

The Maharashtra State Warehousing Corporation, Pune must take steps to recover the loss from Merkar and the present applicant and take serious action against them within six months as to their major misconduct and also lodge complaint with the Anti Corruption Bureau, Maharashtra State.

In that view of the matter, following order is passed.

ORDER

(i) Criminal Application (ABA) No.113/2015 is allowed.

(ii) In the event of arrest in Crime No. 34/2015 for an offence punishable under Sections 420, 407, 409 read with section 34 of the Indian Penal Code, registered with Police Station, Umarkhed, Dist.Yavatmal, applicant-Nitin Ramdas Rodge shall be released on bail on his executing P.R. Bond in the sum of Rs.20,000/- with one surety in the like amount.

(iii) The applicant shall attend Police Station, Umarkhed everyday from 11.00 a.m to 04.00 p.m. and shall cooperate the Investigating Officer during investigation.

(iv) The applicant shall not tamper with the prosecution evidence.

(v) The Maharashtra State Warehousing Corporation, Pune to act against the applicant and said D. S. Merkar accordingly and report compliance to this Court.

(vi) The intervenor-Washim Urban Cooperative Bank Ltd. Shall take action against the erring officials as well as employees involved in sanctioning and disbursement of loans in the present matter causing loss of Rs.3,00,00,000/-.

JUDGE