IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 6226 OF 2016

Pramod s/o Nilkanth Chavan,
Age: 45 years, Occu: Service,
R/o. Pathardi Road, Nashik,
Dist. Nashik ..APPLICANT

VERSUS

The State of Maharashtra
for the Police Inspector,
Kotwali Police Station,
Dist. Ahmednagar,
Through, the Public Prosecutor
High Court, Bombay
Bench at Aurangabad. ..RESPONDENT

Mr P.V. Mandlik, Senior Advocate I/b Mr P.P. Mandlik along with Smt. S.D. Shelke, Advocates for applicant;
Mr R.V. Dasalkar, Additional Public Prosecutor for respondent

CORAM : A.S. CHANDURKAR,J.

DATE : 8th DECEMBER, 2016

ORAL ORDER :

The applicant, who has been arrested on 28th September, 2016, in connection with C.R. No. I-137 of 2016 registered at Kotwali Police Station, Ahmednagar, District Ahmednagar for the offences punishable under Sections 420, 467, 468 read with Section 34 of the Indian Penal Code, seeks his release on bail.

2. As per the first information report, the present applicant was working as General Manager at the Beed District Central Co-operative Bank Ltd. While completing loan cases of 50 beneficiaries, an amount of Rs.2,50,00,000/- was got deposited in the personal account of the Branch Manager Yogesh Sanap. An inquiry was accordingly held and as per the report submitted by the Enquiry Officer it was revealed that without properly verifying the loan cases and on the basis of false documents the aforesaid amount came to be deposited in the account of the Branch Manager. Insofar present applicant is concerned, he was serving as General Manager and it was stated that he had good relations with the brother of Yogesh Sanap. The cheques in question were handed over by the applicant and two others to said Yogesh Sanap. On this basis, crime came to be registered.

3. Shri Mandlik, the learned Senior Counsel for the applicant submitted that in the first

information report there was only a passing reference to the role of the applicant. It was submitted that as per Govt. Resolution dated 14th May, 2012, the entire responsibility of disbursing the loan amount was on the Branch Manager and the applicant was not concerned directly with the same. He submitted that on 15th June, 2011 the applicant was transferred to the Nasik office and thereafter on 5th February, 2013 he was transferred to Mumbai. It was submitted that considering the nature of allegations against the applicant and the fact that the actual beneficiary of the alleged fraud was Yogesh Sanap, the applicant deserves to be released. It was submitted that the applicant has retired from service on 20th October, 2016 and hence, there would be no question of tampering the prosecution material. Applicant had also been suspended prior to his superannuation. Hence, it was prayed that the application be allowed.

4. The application is opposed by learned Addl. Public Prosecutor by relying upon the police papers. It was submitted that without taking

proper care and without verifying the genuineness or existence of beneficiaries, the amounts came to be deposited in the account of Yogesh Sanap. It was submitted that the cheques had been handed over by the applicant and two others to the brother of Yogesh Sanap and, therefore, the involvement was apparent. Considering the gravity of the offence, it was submitted that the application deserves to be rejected.

5. I have perused the first information report as well as the police papers. The crime as alleged is based on the inquiry report submitted by the Enquiry Officer. It has been found that the 50 cheques were deposited in the account of Yogesh Sanap, who was the Branch Manager. He has been treated as the beneficiary and main accused. Insofar as present applicant is concerned, it has been stated that he was having good relations with the brother of Yogesh Sanap and that the cheques were handed over by applicant and two others to the brother of Yogesh Sanap. Considering the nature of allegations against the applicant coupled with the

fact that the beneficiary of the aforesaid alleged fraud was Yogesh Sanap, in my view further detention of the applicant before trial is not warranted. The applicant has retired from service and hence, there is no possibility of tampering with the official records. The account of the main accused has been freezed and relevant files have been also seized. In view of aforesaid, I am inclined to allow the present application.

6. The applicant is directed to be released on bail, in connection with Crime No. I-137 of 2016, registered at Kotwali Police Station, Ahmednagar, District Ahmednagar for the offences punishable under Sections 420, 467, 468 read with Section 34 of the Indian Penal Code, on furnishing P.R. bond of Rs.20,000/-, with one surety in the like amount.

The applicant shall co-operate in the completion of trial and shall not take any steps to influence the prosecution witnesses.

The aforesaid observations are made only for the purpose of deciding present bail application.

Criminal Application is allowed in above terms and disposed of.

(A.S. CHANDURKAR, J.)

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