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

CRIMINAL APPLICATION NO.6804 OF 2016

Balwant Yashwantrao Deshmukh,
Age: 56 years, Occ: Service,
R/o. Sarthak Plot 72 Gut No.149,
Chatrapati Nagar, Satara Parisar,
Aurangabad. ..APPLICANT

VERSUS

The State of Maharashtra
At the instance of Kranti Chowk
Police Station, Aurangabad. ..RESPONDENT

Mr A.K. Bhosale, Advocate for applicant;
Mr A.D. Namde, Addl. Public Prosecutor for
respondent

CORAM : A.S. CHANDURKAR, J.

DATE : 21st DECEMBER, 2016

ORAL ORDER :

The applicant, who has been arrested on
27th September, 2016 in connection with Crime No.
815 of 2016 registered with Kranti Chowk Police
Station, District Aurangabad, for the offences
punishable under Sections 409 and 420 of the Indian
Penal Code, seeks his release on bail.

2. As per the first information report lodged

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by the Assistant General Manager of the State Bank of India, it is stated that the applicant was working as Assistant Manager at Aurangabad branch of the said bank and had committed misappropriation to the extent of Rs.71,51,923-84 ps. It is stated that on 19th July, 2016 the applicant had given affidavit admitting his guilt and showing willingness to repay the entire amount.

3. The learned Counsel for the applicant submitted that the entire amount alleged to have been misappropriated has been recovered from the bank account of the applicant. It is submitted that presently the applicant is no longer in service of the bank and as the entire amount now stands recovered, his further detention is not warranted.

4. The application is opposed by the learned Additional Public Prosecutor by relying upon the police papers. He has referred to the affidavit submitted by the applicant on 19th July, 2016 wherein he has admitted his guilt. It is submitted

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that considering the amount involved, the application deserves to be rejected.

5. Perused the police papers as well as the affidavit dated 19th July, 2016. Considering the contents thereon and as the entire amounts stated above have been duly recovered from the applicant and in view of the fact that the applicant is no longer in the service of the bank, he can be directed to be released on bail by imposing appropriate conditions.

6. In view of aforesaid, the following order is passed : -

(i) The applicant is directed to be released on bail in connection with Crime No. 815 of 2016 registered with Kranti Chowk Police Station, District Aurangabad, for the offences punishable under Sections 409 and 420 of the Indian Penal Code, on furnishing P.R. bond of Rs.20,000/-, with one surety in the like amount.

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(ii) The applicant shall attend the concerned police station on 28th December, 2016 and thereafter as per directions of the Investigating Officer.

(iii) The applicant shall not take any steps to influence the prosecution witnesses.

7. The observations made in this order are only for the purposes of deciding present application.

8. Criminal Application is allowed and disposed of.

(A.S. CHANDURKAR, J.)

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