

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

CRIMINAL APPLICATION NO.6886 OF 2015

Pradip s/o Dwarkadas Bhatiya
@ Bhate, Age 59 years,
Occu. Service, R/o Bhatiya Nagar,
Dharangaon, District Jalgaon
(at present is in jail)

..Applicant

Versus

The State of Maharashtra

..Respondent

Mr R.N. Dhorde, Senior Counsel i/b Mr V.R. Dhorde, Advocate for
applicant

Mr M.B. Bharaswadkar, Addl. Public Prosecutor for respondent

**CORAM : N.W. SAMBRE, J.
DATE : 10th February 2016**

PER COURT

Heard.

2. The applicant is seeking regular bail in Crime No.154/2014, registered at Dharangaon Police Station, District Jalgaon, for the offences punishable under Sections 420, 465, 468, 470, 471, 409 read with Section 34 of the Indian Penal Code.

3. The alleged incident in question has occurred in between June 2013 to July 2014. The present applicant is shown to have been working as a Branch Manager of Jalgaon District Central Co-operative Bank at its Sonwad branch, for a period from 17th April 2014 to 31st May 2014 and thereafter, from 7th November 2014 to 1st December 2014. It is claimed against the applicant that he has illegally withdrawn the amount from the accounts of agriculturists, by showing to have been sanctioned agricultural loan, which in fact, was never applied for by the agriculturists.

4. While trying to make out the case for grant of bail, learned Senior Counsel Mr Dhorde would urge that similarly placed accused viz. Jaywantrao Gulab Patil and Vasant Naval Patil are already released on bail by this Court by order dated 14th December 2015 passed in Criminal Application Nos.5862 of 2015 and 5922 of 2015, respectively. He would urge that those applicants were also working as Branch Managers and their respective period was prior to the applicant's holding post of Branch Manager or subsequently. According to him, the case for parity is required to be considered in view of the fact that considering the tenure of accused Vasant Naval Patil, amount of Rs.1,06,600/- and Rs.3,00,000/- were shown to have been withdrawn from the accounts of Kailas Bisan Sawant and Punjaji Mansaram Sawant, respectively. Learned Senior Counsel for the applicant has placed reliance upon the statements of said witnesses so as to make out the case for parity.

5. While opposing the application, learned Additional Public Prosecutor would urge that the amount withdrawn during the tenure of the present applicant is higher than the one as was withdrawn during the period of above said applicants, namely Jaywantrao Gulab Patil and Vasant Naval Patil. He would then urge that there is prima facie case against the applicant.

6. No doubt, the investigation in the matter is complete and charge-sheet is already filed. The two accused persons, who were holding post of Branch Manager and whose tenure was nearby to the

tenure of present applicant, were already ordered to be released on bail by this Court. It is noted from the statements of above referred two witnesses that during the tenure of one of the applicants Vasant Naval Patil, the amount against the loan sanctioned was permitted to be withdrawn.

7. In view thereof, in my opinion, the applicant is entitled to be released on parity. Hence, I proceed to pass the following order.

(I) The applicant be released in Crime No.154/2014, registered at Dharangaon Police Station, District Jalgaon, for the offences punishable under Sections 420, 465, 468, 470, 471, 409 read with Section 34 of the Indian Penal Code, upon furnishing P.R. Bond of Rs.15,000/- with one surety in the like amount.

(II) The applicant shall not tamper with the prosecution evidence and shall make himself available as and when required.

(III) Bail before the trial Court.

8. Criminal Application stands allowed in above terms.

(N.W. SAMBRE, J.)

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