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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**CRIMINAL APPELLATE JURISDICTION**

**ANTICIPATORY BAIL APPLICATION NO.980 OF 2016**

|                          |                 |
|--------------------------|-----------------|
| Chetan Dhiraj Trivedi    | .... Applicant  |
| V/s.                     |                 |
| The State of Maharashtra | .... Respondent |

Mr. Mahesh Sabnis, i/by Dimple Ketan Shah, for  
the Applicant.  
Mrs. Veera Shinde, APP for the Respondent State.

**CORAM : A. M. BADAR, J.**

**DATE : 27th JUNE, 2016.**

**P.C. :**

1. Taken up in view of the order dated 14<sup>th</sup> June 2016, passed by this Court (Coram: P.N. Deshmukh, J.).
2. Applicant apprehending arrest in four crimes bearing crime No.88 of 2015 of Navamal Police Station, Dist.Parbhani u/s 406, 409, 420 r/w 34 of the Indian Penal Code, in Crime No.107 of 2015 of Buldhana City Police Station, District: Buldhana for offence punishable under Section 408, 409 read with 34 of IPC, in Crime No.119 of 2015, of Hingoli City Police Station, District: Hingoli, for offence punishable under Sections 406, 408, 409, 417, 420 readwith 34 of the Indian Penal Code and in Crime No.135 of 2015 of Shivajinagar Police Station, Distrct: Beed,

for offence punishable under Sections 408, 409 r/w 34 of the Indian Penal Code, is praying for anticipatory bail.

3. Heard the learned counsel for the applicant. He argued that the applicant at the relevant time was the Branch Manager, at Borivali branch of Axis Bank. He has no concern with the crime registered against the Chairman-Managing Director as well as the other employees of late Lokshahir Annabhau Sathe Mahamandal.

4. As against this, according to learned APP, several cheques drawn by Satnam Automobiles, Aurangabad were presented to Axis bank on several dates and those cheques were encashed by the bearer. The learned APP further argued that the dates on which cheques were drawn are not tallying with the inward stamp of the bank. Hence prima facie complicity of the applicant in crimes in question is reflected.

5. Perused the papers of investigation. It is seen that some bearer cheques were presented for encashment to the Borivali branch of Axis bank. Those were drawn in favour of Satnam Automobiles. It is seen that those cheques were bearer cheques and as such banker was obliged to make payment on presentation thereof. However, it is seen that the stamp of Axis bank showing receipt of the cheque is not tallying with the dates of issuance of cheques. This can at the most amounts to misconduct in the course of employment of the concerned official of the

bank. Prima facie no criminality can be attached to such conduct on the part of employee of bank. It may at the most amounts to negligence in performance of duties,. Therefore, following order.

- I) Application is allowed.
- II) In the event of arrest of applicant by above four police stations, in above crimes, he be released on bail on his executing P.R. Bond in the sum of Rs.5,000/- in each of crime separately and on his furnishing surety in the like amount.
- III) The applicant shall not, directly or indirectly, make any inducement, threat or promise to any persons acquainted with the facts of the case so as to dissuade them from disclosing such facts either to the Court or to any police officer.
- IV) The applicant shall attend the concerned police station as reasonable called and shall co-operate the Investigating officer, in each of crime.
- V) The applicant shall not tamper with the prosecution evidence in any manner.

**[A. M. BADAR, J.]**