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

**Criminal Application [ABA] No.431 of 2016**

*(Ravindra Vasantrao Dhumne and another*
*vs.*
*State of Maharashtra, through P.S.O. Deoli, District Wardha)*

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| *Office notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.* | *Court's or Judge's Orders* |

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*Shri A.S. Manohar, Advocate for the Applicants.*
*Shri S.A. Ashirgade, A.P.P. for the Non-Applicant/State.*

**CORAM : S.B. SHUKRE, J.**
**DATE : 19th OCTOBER, 2016.**

Heard the learned Counsel for the applicants and the learned A.P.P. for the State.

Perused the case diary and the reply filed by the prosecution.

The learned Counsel for the applicants has submitted that the amounts alleged to be misappropriated by these applicants have been admitted to be recovered from them. He submits that upon bare perusal of the F.I.R. as well as 'show cause notice' issued to the applicants, it is seen that this could be a case of dereliction of duties, by committing certain irregularities, resulting from not following of the proper procedure and that all these acts by themselves, not showing any criminal intention, would not amount to commission of offences as alleged against the applicants.

The learned A.P.P. for the State has submitted that a detailed investigation has been carried out and it has been found *prima facie* that both these applicants are involved not only in committing the financial irregularities but committing certain illegal acts with an intention to cause wrongful gain to themselves and wrongful loss to the bank. He has invited my attention to some of the documents, seized during the course of investigation, showing active involvement of both the applicants in committing these illegalities, at least at this stage.

Upon going through the case-diary, I find that there are some documents, which *prima facie* show that these applicants may have also been fully involved in committing the offences alleged against them. There is one F.D.R. by one Kambdi, which has been prepared by applicant No.1, although, *prima facie*, said person never deposited any amount for being invested in that F.D.R. It is further seen that against this F.D.R., this applicant sanctioned loan to Kambdi and according to the Kambdi, he did not apply for taking of any loan from the bank and the said loan has also been shown to be disbursed to him. So far as the applicant No.2 is concerned, there is also available on record, at this stage, the material showing his *prima facie* involvement in commission of the offences as alleged against him. There are documents showing that the loan applications were processed and sanctioned by this applicant along with applicant No.1, although, *prima facie,* no applications were made by the persons, whose names appeared on these applications.

Such being the material, which has surfaced so far in the course of investigation, I am of the view that the custodial interrogation of the applicants will be required in this case to go to the root of the matter. Therefore, I am of the view that this is not a fit case for grant of anticipatory bail. The application stands rejected.

At this stage, the learned Counsel for the applicants seeks liberty from the Court for the applicants to surrender themselves before the trial Court along with a prayer that till that time, the interim protection already granted to the applicants by the order passed on 05/07/2016 be continued.

Liberty, as prayed for, is granted. The applicants may surrender before the trial Court within one week from the date of the order and till the time they do so, the interim protection granted to them vide order dated 05/07/2016 shall continue.

**sdw* **JUDGE**

**C E R T I F I C A T E**

I certify that this order uploaded is a true and correct copy of the original signed order.

Uploaded by : Sandesh Waghmare, Uploaded on : 20/10/2016
*P.A. to the Hon'ble Judge.*