

(1)

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

CRIMINAL APPLICATION NO.960 OF 2017

Sanjay s/o Balaji Suryawanshi,
Age: 35 years, Occ: Service,
R/o. Dabhad Ardhapur, Nanded
now R/o. Omerga, Tq. Omerga,
Dist. Osmanabad.

..APPLICANT

VERSUS

The State of Maharashtra,
Through Police Station,
Omerga, District Osmanabad.

..RESPONDENT

WITH

**CRIMINAL APPLICATION NO.1084 OF 2017
IN
CRIMINAL APPLICATION NO. 960 OF 2017**

Mahadev s/o Biradar,
Age: 32 years, Occ: Service,
R/o. Shelgi, Post Aurad,
Tq. Nilanga, Dist. Latur.

..APPLICANT

VERSUS

Sanjay s/o Balaji Suryawanshi,
Age: 35 years, Occ: Service,
R/o. Davhad Ardhapur, Nanded
now R/o. Omarga, Tq. Omarga,
Dist. Osmanabad.

..RESPONDENT

Mr R.R. Shaikh, Advocate for applicant;
Mr S.M. Ganachari, Addl. Public Prosecutor for
respondent/State
Mr S.A. Nandure, Advocate to assist Addl. Public
Prosecutor

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CORAM : N.W. SAMBRE, J.**DATE : 2nd MARCH, 2017****ORAL ORDER :**

For the reasons stated in Criminal Application No. 1084 of 2017, same stands allowed.

2. In Crime No. 4 of 2017, registered with Omerga Police Station, District Osmanabad, for offences punishable under Section 406, 409, 420 read with Section 34 of the Indian Penal Code, the applicant is seeking regular bail.

2. The prosecution case is, the applicant was working as Branch Manager with FinoFintech Foundation Company Limited at Omerga branch. The Company was in the business of finance and acted as agent for IndusInd bank, from whom loan facilities are provided to the needy persons including that of recovery of the same.

3. It is claimed in the first information report that amount of Rs. 4,70,540/- though was

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recovered towards loan, however was not deposited and misappropriated.

4. The bail is sought on the ground that other co-accused is already released on bail and the amount is not deposited with the applicant but it is for the Recovery Officer to recover the same and deposit.

5. Upon perusal of the investigation papers and other material as is available on record, it is required to be noted that the applicant being branch manager was custodian of the amount to which he was required to hold in trust. It appears that connivance with cashier he has misappropriated the same.

6. The charge sheet is yet to be filed, as investigation is still going on. As such, no case for bail is made out. Criminal Application No. 960 of 2017 stands rejected.

(N.W. SAMBRE, J.)