IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1386 OF 2017

Sayyed Akbaruddin s/o. Sayyed Asifuddin .. Petitioner

Versus

The State of Maharashtra .. Respondent

Mr.Mohasin Latif Khan Pathan, Advocate for petitioner.
Mr.S.M. Ganachari, A.P.P. for respondent/State.

CORAM : T.V. NALAWADE,J.
DATED : 06.04.2017

P.C. :-

1. This application is for relief of anticipatory bail in C.R. No. I-137 of 2016 registered with Kotwali Police Station, Ahmednagar, for offences punishable under sections 420, 120-B, 201, 409, 465, 467, 468, 471, 472, 477-A read with section 34 of the Indian Penal Code. Both sides are heard. Papers of investigation were made available by the learned A.P.P. for the perusal of this Court.

2. In the aforesaid crime charge-sheet is also filed and present applicant-accused No.9 from the charge-sheet is shown as absconding. Thus from 21.04.2016 i.e. the date of F.I.R. till 10.01.2017, police could not trace the present applicant. So, he is shown as

absconding and charge-sheet is filed under section 299 of the Cr.P.C. against him.

3. There is allegation of misappropriation of money made available to the Government Corporation viz. Vasantrao Naik Vimukta Bhatkya Jamati Vikas Mahamandal, Ahmednagar during the period 15.09.2012 and 30.03.2013. There is allegation that false record of applications made by the persons belonging to Scheduled Castes and Scheduled Tribes was created and under the scheme in 50 such bogus matters, an amount of Rs.2.50 crore is misappropriated by the persons, who were controlling the Corporation and also the employees of bank, where the amount was kept. Each applicant under that scheme was entitled to get Rs.5 lakh as benefit, though it was termed as loan. Present applicant-accused No.9 was working as a Cashier in the bank. There is allegation against him that when the cheques or drafts were to be reached to the beneficiaries, he helped to see that the amount passes into the account of accused No.2, who has control over the aforesaid Corporation. During the transfer of money, he was involved and so he is made accused in the matter.

4. The submissions made show that the investigation as against the present applicant is not completed and his

specimen hand-writing also needs to be collected. He was expected to take care and to see that the amount goes to be the beneficiaries, but due to him and other employees of the branch, the amount was transferred to the account of accused No.2. This single circumstance is sufficient to infer that he was involved in the matter of creation of false record and also misappropriation of Government money. He must have got consideration for it and that amount needs to be recovered from him.

5. In view of aforesaid circumstances, as the present applicant is shown as absconding and the investigation needs to be made by taking present applicant in the police custody, this Court holds that discretionary relief cannot be used in favour of the present applicant.

6. In the result, the criminal application stands rejected.

[T.V. NALAWADE,J.]