IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 3247 OF 2017

YOGESH S/O. BABASAHEB SANAP
VERSUS
THE STATE OF MAHARASHTRA
...
Advocate for Applicant : Mr. Devakate Anant R
APP for Respondents: Mr. A.S. Shinde
Advocate for assist to P.P. : Mr. A.S. Kale
.....

CORAM : V. K. JADHAV, J.
DATED : 21st SEPTEMBER, 2017

PER COURT:-

1. This is an application for getting released on bail in connection with crime No. I-137 of 2016 registered with Kotwali police station, District Ahmednagar for the offences punishable under Sections 420, 120(B), 201, 409, 465, 467, 468, 471, 472, 477(A), 34 of I.P.C. His application with similar prayer bearing criminal M.A. No. 236 of 2017 came to be rejected by learned Additional Sessions Judge on 14.3.2017.

2. On the basis of complaint lodged by Shri B.L. Naik, (District Manager, Ahmednagar), Shri P.R. Pawar, (Regional Manager, Nashik) and Shri R.V. Bansod (Managing Director) of Vasantrao Naik Vimukt Jatis and Nomadic Tribes, Development Corporation Limited, the aforesaid crime came to be registered. It has been alleged in the complaint that the applicant is Deputy Manager of Beed District Central

Co-operative Bank at Beed. During the period from 15.9.2012 to 10.1.2013 the District Manager of the said Corporation has forwarded the proposals for availment of loan of 50 beneficiaries under the scheme of N.B.C. F.D.C. New Delhi. The head office of the Corporation has disbursed the said amount to the District Manager of the said Corporation. It has been stated in the complaint that near about an amount of Rs.2.50 Crores has been sent for disbursement to the beneficiaries through the Corporation and 50 cheques have been sent for disbursement of the said amount to the beneficiaries. It has been alleged in the complaint that instead of disbursing the said cheques amongst the beneficiaries, the said amount came to be deposited in the personal account of present applicant. Thereafter, it has been further alleged in the complaint that the present applicant has withdrawn the said amount. Initially, an enquiry has been conducted by a retired Judge, who happened to be the Law Officer of the said Corporation and he has submitted a report that the accused persons, including the present applicant, hatched the conspiracy and misappropriated the public funds by showing fake beneficiaries. On the basis of these allegations, the present applicant came to be arrested on 14.10.2016.

3. Learned counsel for the applicant submits that though there are certain allegations in the complaint against the present applicant, further detention of the applicant is unwarranted and uncalled for. The applicant has fixed place of residence and he is easily available for trial. Learned

counsel submits that the offences, as alleged against the applicant, are triable by the Magistrate. Learned counsel submits that in the light of observations made by the Apex Court in the case of ***Sanjay Chandra vs. Central Bureau of Investigation, reported in (2012) 1 SCC 40,*** the applicant may be released on bail.

4. Learned A.P.P. has strongly resisted the application on the ground that prima facie, there is strong case against the applicant. The applicant alongwith co-accused hatched the criminal conspiracy to misappropriate the huge amount of Rs.2.50 Crores. Even though the demand drafts in the names of beneficiaries received, the present applicant encashed those demand drafts and withdrawn the said amount illegally. The enquiry officer also found involvement of the present applicant in the said scam.

5. On perusal of complaint, investigation papers and the enquiry report, I find prima facie case against the present applicant. As per the allegations made in the complaint, it appears that from 15.9.2012 to 10.1.2013 the District Manager has disbursed the loan under N.B.C. F.D.C. New Delhi to 50 beneficiaries and total amount was to the tune of Rs.2.50 Crores. It further appears from the charge sheet that the cheques/demand drafts issued in favour of such beneficiaries were encashed in the account of present applicant maintained at Zilla Parishad, Branch at Beed. It has been further revealed during the

course of investigation that all 50 beneficiaries were bogus and false and fabricated documents were submitted by the accused persons for securing the loan under the aforesaid scheme. It has been also revealed during the course of investigation that the accused No.5 Ganesh, who happened to be real brother of the present applicant, has taken those demand drafts from Head Office of the Corporation and then handed over the said demand drafts to present applicant. The applicant thereupon deposited the said demand drafts in his personal account, encashed the same and withdrawn the entire amount and after getting his share, given remaining amount to original accused No.5 Ganesh. It further appears from the charge sheet that fictitious beneficiaries have been shown and false proposals came to be submitted in the names of those fictitious persons. In the circumstances, I am not inclined to grant bail to the applicant. Hence, the following order:-

O R D E R

Criminal application is hereby rejected.

(V. K. JADHAV, J.)

rlj/