IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 3410 OF 2017

Keshav s/o Balasaheb Ghumbre, Age 33 years, Occ. Service (Clerk) R/o. Canara Bank, Branch Manwat, Tq. Manwat, Dist. Parbhani ... **Applicant.**

V E R S U S

The State of Maharashtra. Through Police Inspector, Police Station, Manwat, District Parbhani. ... **Respondent.**

Mr.V.D. Salunke,learned Advocate for the Applicant.
Mr. A.R. Borulkar, A.P.P. for the respondent/State

CORAM : K.L. WADANE, J.
DATE : 24th July, 2017

ORDER :

1. Heard Mr. Salunke, learned counsel appearing for the applicant and Mr. Borulkar, learned APP appearing for the respondent/state.

2. One Chandrashekar Panjabrao Gavarkar, Branch Manager, Canara Bank, Manwat Branch lodged a complaint to the police station Manwat on 08/01/2017 alleging that another accused Rahul Bhirsing Sahare was working as a Branch Manager at Manwat Branch. He opened bogus

accounts in the name of 27 persons from 02/07/2015 to 05/11/2015. After opening the said accounts he had sanctioned loans under K.C.C. Schemes by using forged documents and there by caused loss to the bank in Crores. Rahul Sahare with the help of other bank employees misappropriated the money.

3. Mr.Salunke learned counsel appearing for the applicant submits that, no specific role is attributed to the present applicant nor there is any evidence to show that he has created any false documents, nor there is evidence to show that the applicant was instrumental in opening the account in the name of fake persons. Mr. Salunke further submits that, the main accused Mr. Rahul has already deposited an amount of Rs. 1,10,00,000/- and all the relevant papers are with the bank. Nothing is to be recovered from the applicant.

4. Learned APP for the respondent/State submits that, the present applicant has transferred an amount of Rs. 85,00,000/- from the saving account of the account holders to the loan account. However, there is no evidence to that effect to show that the present

applicant has created any false record.

5. Learned counsel for the applicant submits that the accused was not absconded and has produced the copy of attendance sheet of Canara Bank, from which it appears that, the name of the present applicant is mentioned at Sr. No. 7 and he was present in the month of January 2017 from some time, however, subsequently he was on leave. Therefore, it cannot be said that the present applicant was absconded since the date of registration of the crime.

6. Looking to the nature of the allegations against the present applicant, nothing is to be recovered at the instance of the present applicant. Mr. Salunke, learned advocate appearing for the applicant further submits that, all the relevant record is with the bank. Another accused Rahul Sahare has produced the same before the investigating officer.

7. In view of the above, I am of the opinion that, the applicant can be protected from his arrest by putting certain conditions. Hence, following order.

O R D E R.

(1) Application is allowed.

(2) In the event of arrest of the applicant in connection with Crime No.05 of 2017, registered with Manvat Police station, District Parbhani, he be released on bail on his furnishing P.R. bond of Rs. 25,000/- (Rupees twenty five thousand only), with one surety in the like amount.

(3) The applicant shall not tamper with the evidence of prosecution in any manner.

(4) He shall remain present in the police station as and when called by the investigating officer for the purpose of investigation.

8. Criminal Application is disposed-of.

(K.L. WADANE, J.)

mkd/-