Anand

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**
**CRIMINAL APPELLATE JURISDICTION**

**BAIL APPLICATION NO.383 OF 2017**

Rajendra Vinayakrao Joshi .Applicant

Vs.

The State of Maharashtra & anr. .Respondents

Mr.A.V.Anturkar, Senior Counsel i/b. Mr.A.Udane, for the Applicant
Mr.S.S.Hulke, APP, for the Respondent No.1 – State
Mr.V.M.Abhyankar, Advocate, for the Respondent No.2

**CORAM : REVATI MOHITE DERE, J.**

**DATE : 26.07.2017**

**P.C.**

. Heard learned counsel for the parties.

2. By this Application, the Applicant seeks his enlargement on bail in connection with C.R.No.648 of 2016 registered with the Yerwada Police Station, Pune, for the alleged offences punishable under Sections 409 & 420 of the Indian Penal Code.

3. Learned counsel for the Applicant submits that although money has been transferred from the Bank's parking account to the Applicant's personal account, as of today, investigation is complete and

charge-sheet is filed. He submits that the Applicant is also not in a position to offer his property or deposit any amount.

4. Learned APP opposes the Application. He submitted that the Applicant was working as a Branch Manager with the SBI, Yerwada branch, Pune. He submitted that the Applicant had done online transfer of monies, from the Bank's parking account, to his personal account with the I.C.I.C.I. Bank, Latur and had used an amount of Rs.7,51,00,000/- for his personal use. He submitted that the Applicant had abused his position as the Branch Manager of the SBI, Yerwada branch, Pune and had used the amount deposited in the Banks parking account for his personal use. He submitted that the amount transferred from time to time is more than Rs.7,00,00,000/-.

5. Learned counsel for the Respondent No.2/Intervenor supports the learned APP. He submits that the money involved in the present case is public money and that the Applicant had misused and abused his position as a Branch Manager of the SBI Bank. He further submits that the Applicant was also involved in a similar case registered with the Lashkar Police Station, Pune, however, the amount involved in that case was Rs.28,00,000/-.

6. Perused the papers. Admittedly, the Applicant was working as a Branch Manager with the SBI, Yerwada branch, Pune at the relevant time. The documents collected during investigation revealed, that the Applicant had done online transfer through internet banking and had transferred an amount of Rs.7,51,00,000/- from the parking account of the Bank on several dates, in his own personal account with the I.C.I.C.I. Bank, at Latur. It appears that the said fraud came to a light in August, 2016 when an audit was conducted of the said parking account of the branches, by Nirmalkumar Nimawat. In the course of audit, the auditor observed, that between 20.06.2015 to 25.07.2016, an amount of Rs.6,19,920/- was transferred by the Applicant to his personal account with the I.C.I.C.I. Bank, Latur. Thereafter, detailed investigation was conducted in which the auditor found Rs.7,51,00,000/- was transferred by the Applicant, from the parking account of the said Yerwada branch into his own personal account. Pursuant thereto, the Respondent No.2 filed the aforesaid complaint. The documents on record clearly point out to the complicity of the Applicant. The amount involved in the said case i. e. Rs.7,51,00,000/-, is public money.

7. Considering the nature of allegations, this is not a fit case to enlarge the Applicant on bail merely because investigation is complete

and charge-sheet is filed. Hence, the Application stands rejected. The trial of the Applicant is however expedited.

Parties to act on the authenticated copy of this order.

**(REVATI MOHITE DERE, J.)**