

Anand

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

ANTICIPATORY BAIL APPLICATION NO.813 OF 2017

Pravin Ramdas Shewale

.Applicant

Vs.

The State of Maharashtra

.Respondent

Mr.N.R.Bubna, Advocate, for the Applicant

Mr.S.S.Hulke, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 21.06.2017

P.C.

. Heard learned counsel for the parties.

2. By this Application, the Applicant seeks pre-arrest bail in connection with C.R.No.I-51 of 2017 registered with the Malegaon Taluka Police Station, Nashik, for the alleged offences punishable under Sections 408, 420, 477A of the Indian Penal Code.

3. Learned counsel for the Applicant states that the Applicant was working as Inspector in N.D.C.C. Bank, Kalwadi Branch, Nashik. He submitted that the duty of the Applicant was to ensure timely recovery of the loans given by the bank to

various borrowers. He further submitted that the Applicant has been made an accused only by virtue of the fact that he failed to bring the fraud to light.

4. Learned APP states that it appears that the Applicant had not brought to light the fraud to the superiors.

5. Perused the papers. The Applicant was working as Inspector in N.D.C.C. Bank, Kalwadi Branch, Nashik at the relevant time. It appears that the duty of the Applicant was to ensure timely recovery of the loans given by the bank to various borrowers. Prima facie, it appears that there is dereliction of duty by the Applicant inasmuch as he has failed to bring the fraud to light. Learned APP has not been able to show any other material to show the complicity of the Applicant with the alleged offences.

6. In view of the aforesaid, custodial interrogation of the Applicant is not required. The Application is allowed and the Applicant is granted pre-arrest bail on the following terms & conditions:-

O R D E R

(i) In the event of arrest, the Applicant be enlarged on bail, on executing PR Bond in the sum of **Rs.25,000/-** with one or two sureties in the like amount;

(ii) The Applicant shall report to the investigating officer of the concerned police station **as & when called for** by the investigating officer till the filing of the charge-sheet or for a period three months whichever is earlier;

(iii) The Applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.

7. The Application is allowed in the aforesaid terms and is accordingly disposed of.

8. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

Parties to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)