

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 1661 OF 2017

Rajendra Ganpat Yerewad. ... Applicant.
Versus
The State of Maharashtra. ... Respondents.

Mr. Rahul Arote, advocate for Applicant.

Mr. Vinod Chate, APP for State.

**CORAM : SMT.SADHANA S. JADHAV,J
DATE : DECEMBER 12, 2017**

P.C.:

1 Heard the learned Counsel for the applicant and the learned APP for State.

2 This is an application under section 438 of the Code of Criminal Procedure, 1973. The applicant herein is apprehending his arrest in Crime No. 227 of 2017 registered at Dattawadi Police Station, Pune City for offence punishable under section 406, 420, 465, 467, 468, 471 of the Indian Penal Code.

3 It is the case of the prosecution that on 20/7/2017 Amit Prakash Gangurde lodged a report at the Police Station alleging therein that the present applicant was working as Assistant Branch Manager in Hindustan Micro Financial Company at Dattawadi from 1st June, 2013. Internal audit has revealed that the balance-sheet had not tallied. It was also revealed that the passbook and vouchers were forged. The said company was involved in sanctioning and disbursing loans to women self help group. That there was an enquiry with the present applicant and since he could not give satisfactory reply, an offence was registered against him. It was revealed that there has been a defalcation of Rs. 2,14,591/-. It is submitted that the applicant has lodged a report against one field staff Ramesh Nikam and had brought it to the notice of superior officers as well as police station that there are irregularities in the functioning of the company.

4 By an order dated 20/9/2017 the predecessor Court (Coram : A.S.Gadkari, J) had granted interim relief in favour of the applicant

and by an order dated 23/11/2017 the applicant was directed to deposit a sum of Rs. 2,15,000/- in the Registry of this Court. The applicant has abided by the said order and has deposited the said amount without prejudice to his rights.

5 The learned Counsel for the applicant submits that in fact, it was not the sole responsibility of the applicant and that the field staff had committed irregularities in the functioning of the company and therefore, he cannot be held liable for the same.

6 Taking into consideration the fact that the applicant was protected by this court and he had cooperated with the investigating agency, this Court is inclined to confirm the order dated 20/9/2017. However, the observations are prima facie in nature. The learned Trial court shall not be influenced by the same at the time of deciding an application for quashing of FIR or discharge application or at the time of trial.

7 Hence, following order is passed :

ORDER

1 The application is allowed.

2 In the even of the arrest in Crime No. 227 of 2017, the applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs. 50,000/- with one or more sureties in the like amount.

3 The applicant shall report to the concerned police station on every Sunday between 10.30 a.m. to 12 noon till filing of the charge-sheet.

8 The Application is disposed of accordingly.

(SMT. SADHANA S. JADHAV,J)