

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 2056 OF 2016

Najim S/o. Salim Valsangkar	...	Applicant
Vs.		
The State of Maharashtra	...	Respondent

Mr. Avinash B. Avhad, Advocate for the applicant.

Mr. S.H. Jadhav, APP for the State.

Mr. Gajanan V. Kamble, A.P.I., Jat Police Station, District Sangli present.

CORAM: **MRS.MRIDULA BHATKAR, J.**

DATE: **24th January, 2017.**

P.C.:

This Application is moved for anticipatory bail, as the applicants/accused are prosecuted for the offences punishable under sections 406, 420, 464, 467, 408 and 409 of Indian Penal Code in C.R. No. 48 of 2016 registered with Jat Police Station, Pune at the instance of Ashok Ganpati Patil.

2. The applicant/accused is working as a Junior Clerk in one Rural Hospital at Jat, District Sangli. The complainant Ashok Ganpati Patil took charge on 14th July, 2014 as In-charge Medical Superintendent of the said hospital. The applicant/accused was working in Rural Hospital from May 2015. He was given a work of preparing the salary bills, other bills of the employees and to prepare the report of monthly expenditure. On 15th March, 2016 he was relieved from the said hospital and he was given

order to join Rural Hospital at Madi, District Sangli. On 21st March, 2016 Jr. Clerk Mr. Sanap brought to the notice of the complainant that some cheque books and cheques were missing. After verification, they found that the applicant/accused has taken the salary cheques of the employees for the month of February, 2016. When the hospital authority contacted applicant/accused, he informed that he would deposit the said cheques, however, he did not deposit and thereafter was also not available on phone. So, the first cheque was cancelled by the complainant and the second cheque was prepared and the letter to that effect was given to the bank. However, some cheques were missing. On the same day, the bank officer from ICICI bank informed that the balance amount in the bank is less than the amount mentioned in the salary cheque but the complainant informed that amount of Rs.4,15,046/- was balance in the account of the hospital and cheque was of Rs.1,73,476/-. However, the bank authority informed that amount was approximately Rs.1 lakh, therefore, after verification, the complainant and Mr. Sanap found that missing cheques were presented and the amounts were withdrawn by the applicant/accused by producing the cheques with forged signature of the complainant and thus, total Rs.6,17,278/- the hospital was caused to suffer loss and was duped. Hence, the complainant approached the police and gave complaint. Pursuant to this, the offence was registered at C.R. No. 48 of 2016 at Jat Police Station, District Sangli.

3. The learned counsel for the applicant/accused has submitted that the applicant/accused is innocent. He was working in a lower post of Junior Clerk who has no authority to withdraw the amount. The learned counsel submitted that the complainant himself has signed the cheques and had withdrawn the amount, however, the complainant has made the applicant/accused a scape goat in order to screen his illegal activities. The learned counsel further submitted that the applicant/accused has not committed any offence and he was granted interim pre-arrest bail which may be continued.

4. Learned APP relied on the papers of investigation. He pointed out bank statement of the account of Rural Hospital wherein it shows that amounts were withdrawn from the account from time to time. He further argued that as per the account of Rural Hospital, the actual amount in the account was shown as Rs.4,000/-

5. Perused the complaint so also the statements and documents which are produced by the prosecution. *Prima facie* I am of the view that there is evidence against the applicant/accused. On information given by Mr. Sanap and on verification, it is found that there is misappropriation of amount of more than Rs. 6 lakhs. Considering the facts of the case and the manner in which the offence is committed, I am of the view that

custodial interrogation of the applicant/accused is required in order to secure the missing cheques and also to recover the amount which is defrauded. Hence, I am not inclined to grant pre-arrest bail to the applicant/accused. Anticipatory Bail Application is rejected.

(MRIDULA BHATKAR, J.)