

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 159 OF 2018

Rahul Vilaschandra Bora.	... Applicant.
Versus	
The State of Maharashtra.	... Respondent.

Mr. Satyavrat Joshi, advocate for applicant.

Ms. Veera Shinde, APP for State.

Mr. V.S. Gaikwad, PN, Chakan Police Station, Pune.

**CORAM : SMT.SADHANA S. JADHAV,J
DATE : JANUARY 30, 2018**

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. 34/2018 registered at Chakan Police Station, Pune for offence punishable under section 409 and 420 of the Indian Penal Code. The applicant herein was working as cashier with

Rajgurunagar Cooperative Bank Ltd., Khed. That on 8/1/2018 Kishor Adak working as Assistant General Manager of the said bank lodged FIR at the police station alleging therein that the staff consists of 8 persons. The applicant happens to be cashier. The applicant is entrusted with the work of managing strong room, depositing amount in ATM and maintaining accounts of the same. On 2/1/2018 there was cash audit from the main branch. Rajendra Nangare and Atul Chavan had been to Rajgurunagar Branch. They had conducted cash audit and also checked the accounts. They found that there is deficit of Rs. 10000/-. Upon enquiry with the present applicant, he had immediately deposited Rs. 10,000/- in order to tally the said account. The same raises suspicion and thereafter, there was a cash audit. It was seen that on 5/1/2018 there should have been cash of Rs. 43,95,200/-. However, there was deficit and the actual amount found was Rs. 1,59,200/-. There was no plausible explanation from the applicant for the said deficit. He had given evasive answers.

3 Upon perusal of the papers of investigation, it is clear that the applicant herein had misappropriated the amount. On 5/1/2018 the

applicant had also submitted a hand-written admission that on 5/1/2018 he had handed over charge to Shubhangi Nangare. He has admitted about deficit of Rs. 13,05,953/- and also admitted that he has taken the said amount for his personal use.

4 In the above mentioned facts, the applicant does not deserve discretionary relief under section 438 of the Code of Criminal procedure, 1973. Hence, the application being sans merits stands rejected.

5 However, it is made clear that observations made hereinabove are restricted to the application under section 438 of the Code of Criminal Procedure, 1973 and shall not be taken into consideration for the purpose of quashing of FIR or discharge application or at the time of trial.

6 The application is disposed of accordingly.

(SMT. SADHANA S. JADHAV,J)