

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

BAIL APPLICATION NO.650 OF 2018

Avinash Ashok Kamble	...Applicant
Versus	
The State of Maharashtra	...Respondent

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Mr. Aniket U. Nikam for the Applicant.
Mr. S.R. Agarkar, APP for the Respondent -State.
Mr. A.K. Gore, PSI, Khadki Police Station, Pune City, present.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 20th AUGUST, 2018.

P.C.:-

This is an application for bail filed by the Applicant, who has been arrested in C.R. No.276 of 2017 registered at Khadki Police Station, Pune, for the offences punishable under Sections 406, 408, 409 r/w. 34 of the IPC.

2. Heard Mr. Aniket Nikam, the learned counsel for the Applicant and Mr. S.R. Agarkar, the learned APP for the Respondent-State. Perused the records and considered the submissions advanced by the learned counsels for the respective parties.

3. The aforestated crime came to be registered on 25th

November, 2017 pursuant to the FIR lodged by Rajeshkumar Shashidharan Pillai. A perusal of the FIR prima facie reveals that the Applicant and the co-accused Abhijeet Gosavi were employed by Securitrans India Private Ltd., Pune Branch as custodians and their duties were to deposit cash in and about 21 ATM machines in Pune. It is the allegations that between 15th November, 2017 to 21st November, 2017 the Applicant and the co-accused failed to deposit the cash amount of Rs.1,35, 34,700/- and that they have misappropriated the said amount. The said crime was investigated and upon completion of the investigation charge sheet has been filed. The records prima facie reveal that cash of Rs.8,00,000/- was recovered from the house of the Applicant pursuant to the disclosure statement made under Section 27 of the Indian Evidence Act. The material on record also prima facie reveals that the Applicant had given cash of Rs.1,00,000/- to one Santosh Pralhad Bhalerao and Rs.4,00,000/- to one Aman Shakil Kudarshi and furthermore he had handed over Rs.4,00,000/- to his uncle. The said amount which was paid to his uncle as well as to Santosh and Aman has been recovered.

4. Mr. Nikam, the learned counsel for the Applicant submits that there is nothing on record to indicate that the said amount, which

was recovered from the house of the Applicant and was handed over to the investigating officer by the uncle of the Applicant and Santosh and Aman form part of the said alleged misappropriated amount. It may be mentioned that the Applicant was working only as a custodian. The learned counsel for the Applicant has not been able to explain as to how the Applicant was in possessions of such large amount of cash. In my considered view there is prima facie material to show the involvement of the Applicant in commission of the said crime. Trial of the case has not yet commenced. The uncle of the Applicant and other two witnesses Santosh and Aman, who are material witnesses and who are known to the Applicant are yet to be examined. Hence, in my considered view releasing the Applicant at this stage would hamper the trial. Considering the above facts and circumstances this is not a fit case to grant bail at this stage. Hence, the application is dismissed.

(SMT. ANUJA PRABHUDESSAI, J.)

Megha
Shridhar
Parab

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