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

BAIL APPLICATION No. 1233 OF 2018

Sunil Dyandev Kanase

...Applicant

Vs.

The State of Maharashtra

...Respondent

Mr. Subosh Desai i/b. Vigil Juris for Applicant

Ms. P.P. Shinde -APP for the State

Ms. Prerna Katte, Dy. Superintendent, SDPO, Koregaon

CORAM : SMT.SADHANA S. JADHAV, J.

DATE : OCTOBER 30, 2018

P.C.:

1. Heard the learned counsel for the Applicant.
2. The learned counsel for the Applicant has drawn the attention of this Court to the statement of one Prashant Lomte, who was working as a clerk in Karad Merchant Credit Society at Karad where the present Applicant was working as a Branch Manager. It is submitted that prima facie, the Applicant herein had only committed negligence in the sense that he had trusted Mr. Rakesh Naidu and allowed him to open an account of his friend Mr. Pravin Shindade. The learned counsel further submits that the papers of investigation would clearly indicate that it was Mr. Rakesh Naidu, who had deposited the cheque and had

withdrawn the amount subsequently and that the Applicant had no role to play except that he had trusted Mr. Rakesh Naidu. However, it would be difficult to form an opinion to that effect unless the substantive evidence is recorded.

3. The Applicant herein is lodged in Kadamba Prison. The Dy.S.P. Satara is present in the Court and she submits that she would file an application seeking transfer of Applicant and other co-accused in Sessions Case No. 4 of 2017 pending before the Sessions Court at Vaduj. The trial is at the stage of framing of charge.

4. The Learned Sessions Judge at Vaduj shall make every endeavor to conclude the recording of evidence, as far as possible within eight months from the date of framing of charge.

5. With these directions, application stands disposed of.

[SMT.SADHANA S. JADHAV, J.]