IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Criminal Application [ABA] No.223 of 2018

Jyoti Lokesh Gupta
vs.
State of Maharashtra, through PSO Warthi, Tahsil Mohadi, District Bhandara

with

Criminal Application [ABA] No.206 of 2018

Sulbhsa w/o Sunil Channe
vs.
State of Maharashtra, through P.S.O. Warthi, Tahsil Mohadi, District Bhandara

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Office notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	*Court's or Judge's Orders*

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Shri N.L. Jaiswal, Advocate for the Applicant in ABA No.223/18.
Shri N.B. Kalwaghe, Adv. for the Applicant in ABA No.206/18.
Shri S.D. Sirpurkar, A.P.P. for the Non-Applicant/State.

CORAM : S.B. SHUKRE, J.
DATE : 10th APRIL, 2018.

Heard.

Applicant - Jyoti Lokesh Gupta in ABA No.223/2018 is the Branch Manager and applicant - Sulbha w/o Sunil Channe in ABA No.206/2018 is a Clerk in Bhandara District Central Co-operative Bank Limited. The allegations against them are of cheating and criminal misappropriation of the bank's funds and the depositors' funds together with other co-accused.

These allegations are based upon the audit report submitted to the Bank. These offences are alleged to be committed during the period from 29/04/2015 to 08/07/2016. During that period of time, these applicants were posted to Warthi Branch of the said Bank.

I have perused the audit report. This report discloses that applicant - Jyoti Gupta has been charged with the misconduct and negligence while performing her duties using public funds for self gains and profits, using of her position in pressurizing her sub-ordinates, manipulation of books of accounts and commission of other irregularities. This audit report alleges that applicant - Sulbha Channe failed to carry out her responsibilities in an effective manner and also failed to communicate problems in operations and did not comply with the code of conduct.

A perusal of the case-diary, however, shows that the use of public funds for self gains and profits is an allegation specifically made against one of the co-accused Usha Pande. It further shows that, it were Usha Pande, who had got illegally transferred to her own account huge funds of the depositors and her such acts were not prevented by the applicants in these two applications, because of negligence on their part to perform their duties. The case diary does not show that the money of the depositors was illegally transferred to the account of any of these applicants. In other words, so far as the allegation of mis-appropriation is concerned, the same may not affect both these applicants. So the case of the prosecution against these applicants is presently confined to negligence in performing their duties and commission of certain irregularities by not following the procedure. If this is the case, I do not think that both these applicants can be denied the anticipatory bail.

The applications are allowed and the interim bail granted to both the applicants by this Court is hereby confirmed on the same conditions as are mentioned in orders dated 04/04/2018 passed in Criminal Application [ABA] No.223/2018 and 26/03/2018 passed in Criminal Application [ABA] No.206/2018 with the addition of the followings.

Now, it is directed that both the applicants shall attend the concerned police station or if so directed by the Investigating Officer, the office of the Economic Offences Wing of Bhandara everyday between 11:00 a.m. and 01:00 p.m. for a period of two weeks starting from 16th of April, 2018 and also on such other occasions as may be required by the Investigating Officer, shall cooperate with the police in the investigation and shall not tamper with the prosecution witnesses, in any manner.

The applications are disposed of in the above terms.

JUDGE

**sandesh*