

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.653 OF 2019

Amit Sanjay Kandera] ... Applicant

Versus

The State of Maharashtra] ... Respondent

Mr. Satyavrat Joshi i/b Mr. Nitesh Mohite, Advocate for the Applicant.
Ms. S. S. Kaushik, APP for the State/Respondent.
PSI Godase attached to Bundgarden Police Station, Pune City present.

CORAM :- SARANG V. KOTWAL, J.

DATE :- 8th JULY, 2019.

P. C. :-

1. The applicant is seeking anticipatory bail in connection with C.R.No.379/2018 registered with Bundgarden Police Station, Pune City u/sec. 409, 420, 467, 471 of I.P.C.
2. The FIR is registered on the report given by one Kailas Aadhe on 12/12/2018. It is mentioned in the FIR that, the first informant was working at State of Maharashtra Backward Class Commission, New Administrative Building, 3rd Floor, Pune as Research Officer. He was looking after the administration of the office. He had three Clerks, one Superintendent and one peon working under him. He was

entrusted with the authority of withdrawing money from the bank account maintained with Stat Bank of India in the name of Research Officer, State Backward Class Commission. From the withdrawn amount he was supposed to spend for expenses for purchasing stationery, booking circuit house etc. The two clerks working with him were Mahesh Jadhav and the present applicant. The procedure was that, after proposed expenditure was approved ; the cheques were prepared by the Principal Secretary of the Commission. The cheque was signed by the first informant and thereafter it was given for encashment. Till August 2018 the present applicant alone was making entries. After Mahesh Jadhav joined the office, the work of making entries was distributed between them. Mahesh Jadhav found out that the approved amount and the withdrawn amount did not tally. On further inquiries, it was found that the entries shown in the cheque book and the encashment of these cheques did not tally. It was found that before depositing the cheques, they were tampered with. There used to be some interpolation of figures on the cheque. Thus, more amount, than the sanctioned amount was withdrawn. Such incidents were in respect of the present applicant as he was supposed to deposit those cheque. Based on these allegations, the FIR

was lodged.

3. Heard Mr. Satyavrat Joshi, Ld. Counsel for the Applicant and Ms. S. S. Kaushik, Ld. APP for the State/Respondent.

4. Mr. Joshi submitted that the present applicant was not working alone in the office. There were others who were in charge of preparing cheques. He submitted that the hand writing expert's report is not available. Therefore, it is premature to arraign the applicant as accused. He further submitted that the applicant has already denied the charges against him in the departmental inquiry. He therefore submitted that, the present applicant's custodial interrogation is not necessary.

5. Ld. APP submitted that the job of depositing cheques was entrusted to the present applicant and therefore without his active participation this offence was not possible.

6. I have considered the submissions made by both parties. Mr.Joshi submitted that, the hand writing expert's opinion is not

available. However, even if it is available it may not be of great significance to show the complicity of the present applicant. The perpetrator of the crime can always get those writings on the cheques executed by third person. Therefore, such report will not be of much assistance to either side. The fact remains that the present applicant was entrusted in depositing the cheques and misappropriation has taken place in respect of only those cheques which were deposited by the present applicant. Hence, at this stage there is sufficient scope to connect the present applicant with the alleged offence. His custodial interrogation is necessary to find the modus operandi and to find as to whether any other staff members are involved. In this view of the matter, no case for anticipatory bail is made out. Hence, the following order.

ORDER

Application is rejected and stands disposed of accordingly.

(SARANG V. KOTWAL, J.)