

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

ANTICIPATORY BAIL APPLICATION NO.1860 OF 2019

Mangesh Raju Pacharne

.... Applicant

versus

The State of Maharashtra

.... Respondent

.....

- Mr.Aniket Nikam i/b. Mr.Vivek N. Arote, Advocate for Applicant.
- Ms.S.S. Kaushik, APP for the State/Respondent.
- HC Mr.A.D. Nagne, Chakan Police Station, Pimpri-Chinchwad, present.

CORAM : SARANG V. KOTWAL, J.

DATE : 26th AUGUST, 2019

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.899/19 registered with Chakan Police Station, Pimpri-Chinchwad, under sections 420 and 406 of the Indian Penal Code.

2. The FIR is lodged by one Nehakumari on 10/06/2019, who was working as a Sub-Divisional Superintendent in Post

Office, Division-Khed. She was carrying on inspection in Post Office at Kuruli. While the inspection was going on, one lady by name Vanita Babasaheb Gaikwad came there and demanded her money from the Applicant. She was agitated and saying that the Applicant was making her visit that post office on many occasions. The first informant heard her grievance and came to know that the lady had opened two recurring deposit accounts and the passbooks were given to the Applicant by placing trust on him. She was to get Rs.6,525.50 from that account. But she was not returned the amount and the Applicant was making her visit the post office on many occasions. The informant on enquiry came to know that the Applicant had cheated other victims also in the same fashion. On this basis the FIR is lodged.

3. Heard learned Counsel Mr.Aniket Nikam for the Applicant and learned APP Ms.S.S. Kaushik for the State.
4. Mr.Nikam submitted that the Applicant has already deposited the entire amount involved in this offence. The

Applicant is already terminated from his service and therefore no further purpose will be served by keeping him in custody for custodial interrogation.

5. As against these submissions, learned APP pointed out that the offence was committed in respect of money of poor people, who have faith in the deposit scheme of Government. Granting protection to the Applicant will send wrong signals and since the offence is clearly made out from the record, the Applicant does not deserve to be granted protection of anticipatory bail. She further submitted that his custodial interrogation is necessary to trace out any such incidents wherein the money was misappropriated.

6. I have considered these submissions. While it is true that the Applicant has returned the amount involved in this offence to the victims, at this stage, this fact by itself will not persuade this court to take a lenient view. However, if and when the occasion arises, the Court considering his bail application can take this fact into account.

7. The offence is clearly made out in the FIR. Poor people were deprived of their small savings. They were made to visit the post office on many occasions. That was sheer harassment to poor people who have faith in such schemes of the Government. At this stage, the Applicant does not have any defence and there is no explanation offered as to why and how such amounts were misappropriated. In this view of the matter, no case of anticipatory bail is made out. The application is therefore rejected.

(SARANG V. KOTWAL, J.)