

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

LD-VC-CRIMINAL APPLICATION NO. 1052 OF 2020 IN
CRIMINAL APPLICATION (BA) NO. 390 OF 2020
(LD-VC-CRIMINAL APPLICATION (BA) NO. 878 OF 2020).

(Shri Satish s/o Narayan Kawale, Nagpur Vs. State of Maharashtra)
(Radiant Cash Management Services Pvt. Ltd. - Applicant)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Shri S.P. Dharmadhikari, Senior Advocate a/w Shri
U.P. Dable, Advocate for the applicant.
Shri Ritesh Dawda, Advocate for intervenor.
Shri N.R. Rode, A.P.P. for the non-applicant.

CORAM : PUSHPA V. GANEDIWALA, J.
AUGUST 03, 2020.

This is an application for assisting the
prosecution.

2. On due consideration, the same is
allowed.

3. The Criminal Application is disposed of
accordingly.

CRIMINAL APPLICATION (BA) NO. 390/2020.

Heard Shri Dharmadhikari, learned Senior
counsel along with Shri Dable, learned counsel for
the applicant, Shri Dawda, learned counsel for the
intervenor and Shri Rode, learned A.P.P. for the non-
applicant/State through Video Conferencing.

2. The applicant is said to be arrested on
27/06/2020 in connection with Crime No.424/2020

dated 25/06/2020 registered at Police Station, Lakadganj, District Nagpur for the offence punishable under Sections 408 and 420 read with Section 34 of the Indian Penal Code.

3. Perused the application, affidavit-in-reply and the documents annexed.

4. The present applicant is said to be an ex-army personnel, who has served the Indian Army for about 25 years. He has unblemished service record and received several certificates and medals for his exemplary services. At the relevant time, he was working as a 'Manager' in the Nagpur branch of Radiant Cast Management Services Pvt. Ltd.

5. The allegation against the present applicant as per the prosecution case is that he has misappropriated an amount of Rs.39,02,613/-.

6. Shri Dharmadhikari, learned senior counsel submitted that the co-accused in the instant case i.e. accused Nos.2 and 3, who were 'Custodian' and 'Data Entry Operator' of the aforesaid company have misappropriated the aforesaid amount in the absence of the applicant, as the applicant was required to travel out of city in February, 2020 for about ten days and due to pandemic since March, 2020, there was no verification of cash in the aforesaid branch.

7. He further submitted that the applicant has co-operated during the investigation and all the

documents have been handed over during the investigation and thus prayed for releasing the applicant on bail.

8. On the contrary, Shri Rode, learned A.P.P. strongly opposed the application in view of the seriousness of the offences and involvement of huge public money.

9. I have considered the submissions put forth on behalf of both the sides.

10. At the outset, the case appears to be mostly depended on the documentary evidences and that all the documents are said to be in the custody of the prosecution. The offences levelled against the applicant are triable by the Court of Magistrate and not punishable for more than seven years of imprisonment. Also, the applicant being an ex-army personnel, who has served in the nursery department of the army for about 25 years, there are least chances of his absconding.

11. Therefore, in my view, on stringent conditions, the applicant can be released on bail. Hence, I pass the following order :-

ORDER

- i. The Criminal Application is allowed.
- ii. The applicant be released on bail in connection with Crime No.424/2020 dated 25/06/2020 registered at Police Station, Lakadganj,

District Nagpur for the offences punishable under Sections 408 and 420 read with Section 34 of the Indian Penal Code on his furnishing PR bond in the sum of Rs.50,000/- with one solvent surety in the like amount.

iii. The applicant shall co-operate during the investigation and make himself available as and when called by the Investigating Officer.

iv. The applicant shall not leave the local jurisdiction without prior intimation to the concerned Police Station.

v. The applicant shall not in any manner tamper with the evidences.

12. The Criminal Application is disposed of accordingly.

13. This order be communicated to the counsel appearing for the parties, either on the email address or on Whats app or by such other mode, as is permissible in law.

JUDGE