

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

LD-VC-BA No. 204 of 2020

Neeti Amit Patkar Vs. The State Through Police Station Dhantoli, Nagpur and
Economic Offences Wing, Nagpur.

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

Court's or Judge's orders

Mr. U.P. Dable, Advocate for the applicant
Mr. N.B. Jawade, APP for the respondents - State

CORAM : MANISH PITALE, J.

DATED : JUNE 09, 2020

Hearing was conducted through video conferencing and the learned counsel agreed that the audio and visual quality was proper.

2. Heard learned counsel for the applicant. This application has been filed on behalf of the applicant, who is lady, who at the relevant time when offence was allegedly committed was incharge Branch Manager of the concerned Bank from which huge loan amount was illegally advanced to co-accused persons.

3. FIR dated 15/05/2019 was registered against the applicant and other accused persons for offences under Sections 420, 406, 409, 120-B, 465, 467, 468, 471 and 477-A of the Indian Penal Code, under Section 3 of the Maharashtra Protection of Interest of Depositors Act and under Section 65, 66-B of the Information Technology Act.

4. The learned counsel appearing for the applicant invited attention of this Court to the relevant portion of the chargesheet, wherein there is reference to the alleged role of the applicant herein. It is stated that at the relevant time, when the offence was said to have been committed, the applicant was incharge Branch Manager of the concerned Bank and that huge amount of Rs.1,15,00,000/- towards loan was advanced to co-accused i.e. Prakash Sharma and Govind Joshi. It is alleged that such huge amounts were advanced without proper verification of the documents. The involvement of the applicant in the said offences was primarily based on the aforesaid role attributed to her.

5. The learned counsel appearing for the applicant informed this Court that Valuer of the Bank one Mr. Prasad Pimple was granted bail by this Court by order dated 15/11/2019 and, therefore, the applicant herein is deserved to be enlarged on bail. It is further submitted that the applicant is lady, who has been in custody for almost a year and since investigation has been completed and chargesheet has been already filed, no purpose would be served by keeping the applicant behind the bars. It is further submitted that the applicant would abide by conditions that may be imposed by this Court for grant of bail.

6. On the other hand, the learned APP strongly opposed the present application and he submitted that there was no question of parity between a valuer of the Bank and the applicant, since the applicant was a regular employee of the Bank, who had discretion to either accept or reject the valuation report submitted

by the aforesaid valuer. It is further submitted that while the applicant was incharge Branch Manager, the aforesaid offence has been committed in full connivance with co-accused persons in whose favour the loan amount was illegally disbursed. It is submitted that the said two co-accused are still absconding and in these circumstances, the application deserves to be rejected.

7. This Court has perused the material on record with particular reference to the specific role attributed to the applicant in the chargesheet. In so far as order dated 15/11/2019, passed by this Court granting bail to the Valuer is concerned, while the role attributed to the said Valuer can certainly not be equated with that attributed to the applicant in the present case, yet granting of conditional bail to the said co-accused person does assume relevance in the facts and circumstances of the present case.

8. Apart from this, the record shows that the applicant was arrested on 21/06/2019 and that she has continued in custody for almost a year. Although much emphasis was placed by the learned APP on the pre-arrest conduct of the applicant by emphasizing that she was avoiding being apprehended, this Court is of the opinion that the said circumstance alone cannot be a reason for rejecting the present bail application.

9. The material on record does indicate that according to the prosecution when the applicant was incharge Branch Manager of the concerned branch of the Bank, the alleged offence had been committed, but proof of such involvement of the applicant is a matter of trial and that the prosecution will have to prove the

same beyond reasonable doubt on the basis of documentary and other evidence to be placed on record. There is no dispute about the fact that trial will involve examination of large number of witnesses and it is evident from the detailed chargesheet filed on behalf of the prosecution.

10. In so far as the apprehension that the applicant may abscond or that she may seek to influence the prosecution witnesses, appropriate conditions can certainly be imposed while allowing the present application. This Court is of the opinion that further custody of the applicant in the facts and circumstances of the present case may not serve any purpose.

11. In view of above, the application is allowed in the following terms :

(a) The applicant is directed to be released on bail in connection with Crime No. 181/2019, registered at Police Station Dhantoli, Nagpur on furnishing PR bond of Rs.50,000/- (Rs. Fifty Thousand) and surety in the like amount.

(b) The applicant shall attend the office of the Economic Offences Wing, Nagpur on first and fourth Monday of each month during pendency of the trial.

(c) The applicant shall co-operate with the investigating agency and shall remain present before the Trial Court as and when required.

(d) The applicant shall attend all the dates in the proceedings before the Trial Court.

(e) The applicant shall not in any manner tamper with the evidence or influence the prosecution witnesses.

12. The application is disposed of in above terms.

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

JUDGE

MP Deshpande