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

CRIMINAL APPLICATION (BA) NO. 1147 OF 2020
(Rajesh s/o Shridhar Bante **Vrs.** State of Maharashtra, P.S.O. Dhantoli, Nagpur, Dist. Nagpur and another)

Office Notes, Office Memoranda of Coram, appearances, Court's Orders or directions and Registrar's order	Court's or Judge's Order

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Shri M.V. Rai, Adv. for the applicant.
Mrs. S.S. Jachak, APP for the non-applicant / State.

CORAM : PUSHPA V. GANEDIWALA, J.
DECEMBER 17, 2020.

Heard.

2 The applicant is seeking bail in Crime No. 181/2019 registered at Police Station Dhatoli, Nagpur, District Nagpur, for the offence punishable under Sections 420, 406, 409, 120(B), 465, 467, 468, 471, 477(A) and 201 of the Indian Penal Code and Section 3 of the Maharashtra Protection of Interest of Depositors (in Financial Establishments) Act, 1999 and Sections 65 and 65(B) of the Information Technology Act, 2000.

3. Perused the application, affidavit-in-reply and the charge-sheet with the assistance of learned counsel for both the sides.

4. At the outset, the first bail application of the present applicant came to be withdrawn vide Order dated 25/06/2020 in LDVC-Criminal Application (BA) No. 182/2020 as this Court expressed its disinclination to pass any favourable order.

5. With regard to the change in circumstance thereafter, the learned counsel for the applicant pointed out that the main accused who is the Chairman of Navoday Urban Cooperative Bank Ltd., Nagpur has been released on bail by this Court vide Order dated 24/11/2020 in Criminal Bail Application No. 523/2020.

6. It is stated that the present applicant was working as a Manager during the period between 2014 and 2015 at Dhantoli Branch, Nagpur.

7. The allegations against the present applicant are that he had signed debit vouchers whereby huge amounts came to be withdrawn under the head of bank expenses and the said amount has been transferred in the accounts of borrowers of the bank who are co-accused in the instant crime. It is alleged that the total amount of such 31 debit vouchers come to Rs. 2,19,47,000/-. It is further alleged that the present applicant has made certain transaction of cheque holding to the tune of Rs. 1,11,81,363/- in the capacity of Bank Manager. It is further alleged that he manipulated the cashbook of the bank and showed the return of amount of check holding in the back dates. He had also given unauthorized loan to the non-members of the bank.

8. While allowing the bail application of the Chairman of the aforesaid bank, this Court observed that the charge-sheet runs into 35,000 pages and 80 witnesses are to be examined, there are lots of uncertainties with regard to commencement and completion of the trial, the

witnesses and the documents are huge in numbers and the applicant cannot be behind the bar for an uncertain period.

9. The whole case is based on documentary evidence and the documents are already formed part of the charge-sheet. The other Branch Managers who are co-accused in this crime have been released on bail by this Court vide Orders dated 09/06/2020 in Criminal Bail Application No. 219/2020 and LD-VC- Criminal Bail Application No. 204/2020. The allegation against the present applicant and other two Branch Managers are more or less similar in nature and the allegation against the Chairman who is recently released on bail are somewhat graver in nature.

10. That the applicant is in custody since 18/06/2019 and there does not appear to be sufficient material to show that progress of the trial would be adversely influenced if the applicant is granted bail.

11. It also needs mention here that one more co-accused – Vijay Babhare who is the Director of the said bank and also one of the members of the Loan Committee has been released on bail by this Court vide Order dated 17/08/2020 in LDVC-Criminal Bail Application No. 740/2020.

12. In the above circumstances, the applicant who is behind bar since 18/06/2019 also deserves bail. Hence, the following order :

(i) The applicant – Rajesh s/o Shridhar Bante shall be released on bail on executing Personal bond of Rs. 1,00,000/- (Rs. One lakh only) with a solvent surety of like amount.

(ii) The applicant shall surrender his passport before the Special MPID Court, Nagpur within a period of two weeks of his release.

(iii) The applicant shall attend the office of the Economic Offences Wing, Nagpur every week on Monday between 3.00 to 5.00 p.m.

(iv) The applicant shall attend each and every date of the proceedings before the Trial Court.

(v) The applicant shall co-operate with the investigating authority and he shall not tamper with the evidence or influence the witnesses in any manner.

13. Needless to say that the aforesaid observations are only for the purpose of deciding this application and the same shall not come in the way of the trial Court to decide the trial.

14. The criminal application is disposed of accordingly.

JUDGE

D.S. Baldwa