

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**920 ANTICIPATORY BAIL APPLICATION NO.537 OF 2021
WITH ABA/484/2021**

**VIJAY S/O BHUJANGRAO CHAVAN
VERSUS
THE STATE OF MAHARASHTRA THROUGH POLICE STATION
SADARBAZAR, JALNA DIST. JALNA**

Mr. S. J. Salunke, Advocate for the applicant in ABA/537/21
Mr. Balraj P. Pande, Advocate for the applicant in ABA/484/21
Mr. V. S. Badakh, APP for the respondent/State

CORAM : SANDEEP K. SHINDE, J.

DATE : 04-08-2021

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. Heard learned counsel for the applicants and learned APP for the respondent/State.

2. Applicants are the employees of Mantha Urban Co-operative Bank Ltd., Mantha, Branch Lakkadkot, Dist. Jalna. Upon receiving the complaint from the account holders the Chief Executive Officer Mr. Deshmukh held enquiry and submitted report dated 09-11-2020 to the Board of Directors. Mr. Deshmukh, concluded that Satish Deshmukh, Clerk-cum-passing officer eventually relative of Chairman of bank misappropriated the amount deposited by complainants in the fixed deposit scheme of the bank to the tune of Rs. 1,02,44,979/-. Report was accepted by

the Board of Directors in its meeting dated 28-01-2021 and vide resolution No. 2 the Chief Executive Officer was authorized to lodge the FIR against Satish Deshmukh. Pursuant thereto, on 06-02-2021 the Chief Executive Officer filed a written complaint against Satish Deshmukh. For the reasons best known to the Senior Inspector, FIR was not registered. However, on 24-03-2021 one of the aggrieved depositors, Manjulabai Kolhe, filed the first information report alleging misappropriation of her deposits with the said bank in fixed deposit scheme, whereupon, Crime No. 221 of 2021 has been registered under Sections 420, 409, 468, 471 of the Indian Penal Code against the applicants herein and Satish Deshmukh.

3. Evidently, report of Chief Executive Officer concluded and held Satish Deshmukh, Junior Clerk-cum-passing officer had misappropriated the deposits of several account holders. In enquiry report paragraph No. 6, narrates that Manjulabai (complainant herein) had handed over Rs. 7,25,000/- in installments from March, 2019 to June, 2020 to Satish Deshmukh. Thus, to be stated that neither enquiry report nor the first information report attributes role to the applicants in commission of subject crime.

4. Learned APP could not justify for arraigning the applicants as accused in subject crime.

5. In consideration of the facts stated above, the case is made out for granting pre-arrest bail to the applicants. In my view,

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custodial interrogation of the applicants shall not further the prosecution case. Thus, the following order.

ORDER

i. In the event of arrest in connection with the crime No. 221/2021 registered with Sadar Bazar Police Station, Dist. Jalna for the offences punishable under Sections 420, 409, 468, 471 read with Section 34 of the Indian Penal Code, the applicants shall be released on bail on executing bond in the sum of Rs. 25,000/- [Rupees Twenty Five Thousand] each with one or more sureties in the like amount. The applicants shall join the investigation as and when called by the Investigating Officer.

6. The application is allowed and disposed of accordingly.

[SANDEEP K. SHINDE, J.]

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