IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

901 ANTICIPATORY BAIL APPLICATION NO.837 OF 2021

SATISH AMBADAS DESHMUKH
VERSUS
THE STATE OF MAHARASHTRA

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Mr.Akash Gade, Advocate for the applicant.
Mr. N.T. Bhagat, A.P.P. for respondent – State.

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CORAM : **PRAKASH D. NAIK, J.**

DATE : 12-10-2021

ORDER :

1. This is an application for anticipatory bail in CR No.221/2021 registered with Sadar Bazar Police Station, District Jalna for the offences punishable under Sections 420, 409, 468, 471 read with Section 34 of the Indian Penal Code (for short, "I.P.C."). The First Information Report (for short, "F.I.R.") was registered on 24th March, 2021.

2. The case of the complainant is that between 05.03.2019 and 10.09.2019 he had deposited an amount of Rs. 12,24,000/- in Mantha Urban Co-operative Bank Limted, Branch Lakkad Kot, Jalna. Rukhminibai Gunjale had deposited an amount in fixed deposit on 17th November 2020 in the sum of Rs. 98,000/- vide FDR No. 31175 and Chandrabhan had deposited an amount of Rs. 4,50,000/- vide FDR No. 31170. Other depositors had also deposited huge amount. On maturity of Fixed Deposit Receipts (F.D.R.), they approached the concerned Branch for encashment of F.D.R. It was found that the

Bank employees had misappropriated the amount of Rs.17,72,000/-. Hence, the F.I.R. was registered for the aforesaid offences.

3. The applicant had preferred an application for anticipatory bail before the Court of Session which has been rejected by order dated 29th April 2021. While rejecting the said application, it was observed that the accused were the employees of Mantha Urban Co-operative Bank, Branch Lakkad Kot, Jalna and they were involved in fabricating the documents. They prepared the documents by fabricating signatures and misappropriated amount of the first informant and others. The Investigating Officer had submitted that the Bank had not cooperated in the investigation and the documents were not forwarded.

4. Learned Counsel for the applicant submitted that there is no evidence against the applicant showing his involvement. The applicant was working as a Clerk in the Bank. He has been falsely implicated. It is difficult to believe that the complainant had capacity to deposit the huge amount as alleged by her. The allegations are vague. Sanjay Rathod and Vijay Chavan are granted interim protection by this Court. The applicant was initially working as a Clerk and subsequently he was given charge of Passing Officer. He is not involved in misappropriation of amount. He acted as per the directions of superior. All the transactions were performed in routine course under the supervision and direction of the Manager and Chief Executive Officer. The applicant cannot be held responsible for the liability. An Administrator was appointed on the Bank. All the

records are available with the Bank. Custodial interrogation of the applicant is not necessary. Nothing is to be recovered at the instance of the applicant. There is delay in lodging F.I.R. The applicant is willing to cooperate with the Investigating Officer.

5. Learned A.P.P. submitted that there is sufficient evidence to show the involvement of the applicant in this crime. The investigation has revealed the complicity of the applicant. The co-accused Vijay Chavan has been granted relief considering the nature of allegations against him. The applicant has played a vital role in this case. He is involved in misappropriation of amount. His custodial interrogation is necessary. Statements of witnesses are recorded which show the involvement of the applicant. Hence, the application may be rejected.

6. Perused the F.I.R. and other documents. The investigation is in progress. Although co-accused were granted relief, overt act attributed to the applicant can be distinguished from the other accused. The applicant is an employee of the Manth Urban Co-operative Bank. The case of the prosecution is that upon receiving the complaint from the account holders, inquiry was held and report was submitted to the Board of Directors. While allowing the application for anticipatory bail preferred by co-accused, vide order dated 4th August 2021, this Court had observed that the Chief Executive Officer Mr. Deshmukh held enquiry and submitted report dated 09.11.2020 to the Board of Directors. In the enquiry, it was concluded that the applicant, Clerk-cum-Passing Officer eventually

the relative of Chairman of the Bank misappropriated the amount deposited by the complainant in the fixed deposit scheme of the bank to the tune of Rs. 1,02,44,979/-. The report was accepted by the Board of Directors in it's meeting dated 28th January 2021 and vide Resolution No. 2 the Chief Executive Officer was authorised to lodge the F.I.R. against Satish Deshmukh (applicant). Pursuant thereto, on 06.02.2021 the Chief Executive Officer filed a written complaint against the applicant. Police did not initiate action. On 24.03.2021, complainant Manjulabai Kolhe filed F.I.R. alleging misappropriation of her deposits with the said Bank in fixed deposit scheme and CR No. 221 of 2021 was registered for the aforesaid offences. The report of Chief Executive Officer concluded that the applicant had misappropriated the deposits of account holders. Enquiry Report narrates that Manjulabai had handed over Rs. 7,25,000/- in installments from March 2019 to June 2020 to the applicant.

7. I have perused the police report and the investigation papers. The investigation reveals that the documents are to be recovered from the Bank. There is misappropriation of huge amount. Thorough investigation is required to be conducted. There are about 12 persons who were deceived by the accused. Investigation is required to be conducted. False bond papers, stamp, etc. were prepared. Investigation is also required to be conducted in that regard. Investigation conducted reveals the involvement of the applicant. Learned A.P.P. has produced the

papers relating to investigation conducted till now. The investigation reveals that bogus loan was obtained with bogus signatures in the name of Janabai Bobade. The investigation also discloses that there were several irregularities and that the complicity of the applicant is disclosed.

8. Considering the aforesaid aspect, no case is made out for anticipatory bail. Hence, the following order.

ORDER

ABA No. 837 of 2021 is rejected.

(PRAKASH D. NAIK, J.)

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