

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO. 792 OF 2021

Dattatray Narayan Bhumkar Applicant

Versus

The State of Maharashtra Respondent

Mr. Prashant Hagare, for the applicant.

Smt. A.A. Takalkar, APP for the State/Respondent.

CORAM :SARANG V. KOTWAL, J.

DATE :19th MARCH, 2021

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No. 128 of 2021 registered at Baramati City Police Station, Pune, on 14/2/2021, under sections 420, 409, 468, 120-B of the Indian Penal Code.

2. Heard Mr. Prashant Hagare, learned counsel for the applicant and Smt. A.A. Takalkar, learned APP for the State.

3. The FIR is lodged by Sandeep Ketkar. He was working as Branch Manager of M/s Secular Value India Limited, Kharadi. There were four branches under his supervision namely, Kharadi, Bhosari, Varje and Baramati. The informant's company was in the business of putting cash in ATM centers. For that purpose, they used to receive cash indent sheet from different banks through their master service provider. Cash used to be withdrawn from those banks and deposited in their ATM centers. In February 2021, auditors called location in charge Nitin Chavan and his associate Amarsingh Pawar. Nitin Chavan could not be contacted but Amarasingh Pawar met auditors. The audit was conducted and it was found that there was shortfall of Rs. 5,50,000/- in SBI Bhigwan Road Branch, Baramati. The informant went there and questioned Amarsingh Pawar. He accepted his mistake. He told the informant that he himself, Mahesh Pawar and Rajendra Jogdand had given approximately Rs. 1 and half crores to Nitin Chavan and others. The audit was conducted and it was found that amount of Rs. 1,63,13,100/- was short on route No. 1 and on the route No. 2 there was shortfall of more than Rs.

01,39,00,000/- .On this basis the FIR is lodged.

4. Learned Counsel for the applicant submitted that the applicant has nothing to do with depositing cash in ATM machine. He was not associated with any of the accused. He is not a beneficiary.

5. Learned APP opposed this application. She has relied on the contents of the FIR and investigation carried out so far.

6. During the investigation, Amarsingh Pawar and Nitin Chavan were arrested. Their statements were recorded. In their statements they have stated that Amarsingh Pawar had got acquainted with one Sandeep Zagade. Said Sandeep Zagade had introduced these two persons to the present applicant and that is the only reference of the present applicant in the entire investigation. Statements of Amarsingh Pawar and Nitin Chavan further mentioned that Sandeep Zagade told these two accused Amarsingh Pawar and Nitin Chavan that he was knowing one Ajay

Bhagat who used to invest money in such dealings. He could give them good returns. In October 2020, these two accused gave Rs. 35 lakhs to Sandeep Zagade. That amount was not returned. After that these two accused wanted to contact Ajay Bhagat. That time, Ajay Bhagat told them that earlier amount of Rs. 35 lakhs could not be returned but if they paid Rs. 30 lakhs, he could give them Rs. 50 lakhs. This time Sandeep Zagade kept away from the transactions and Rs. 30 lakhs was given by Amarsingh Pawar and Nitin Chavan to Ajay Bhagat. That amount was also lost. There are allegations that during the first meeting the applicant was present.

7. Learned Counsel for the applicant submitted that he is a poor person and he is working as a driver on contractual basis. On that particular day, other accused Sandeep Zagade had asked him to work as driver on his vehicle and only in that capacity he was with Sandeep Zagade. He does not have any connection with other transactions of Sandeep Zagade.

6. I have considered these submissions. The FIR mainly is about shortage of funds in ATM cash and misappropriation of the cash amount. The allegations are against Nitin Chavan and Amarsingh Pawar who were employees of the informant's company. Obviously they have misappropriated the amount. While using that money they had met Sandeep Zagade and Ajay Bhagat and had given cash amount with the hope that they would get more returns and shortfall can be compensated for. But that did not happen. In the entire episode of giving money to Ajay Bhagat and perhaps to Sandeep Zagade, there are no definite allegations against the present applicant except reference in the statement of Amarsingh Pawar and Nitin Chavan. There is nothing to show that the applicant has received money. Investigation carried out so far, has not revealed that the applicant was a beneficiary in any manner. Thus as of today investigating agency does not have any reasonable material warranting applicant's custody. In this view of the matter, the applicant can be protected by an order of anticipatory bail but he will have to co-operate with the investigation.

7. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R. No. 128 of 2021 registered with Baramati City Police Station, Pune the Applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- (ii) The Applicant shall attend the concerned Police Station as and when called and shall co-operate with the investigation.
- (iii) The Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)