IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 2186 OF 2019

Chintan Vikrambhai Patel ..Applicant

v/s.

The State of Maharashtra ..Respondent/s

Mr. Niranjan Shimpi for the Applicant.
Mr. S.V. Gavand, APP for the Respondent-State.

CORAM : ANUJA PRABHUDESSAI, J.
DATED : 11th OCTOBER, 2021.

P.C.

1. By this application filed under Section 438 of Cr.P.C., the Applicant seeks pre-arrest bail apprehending his arrest in crime No. I-0396 of 2018 for the offenes under Section 420 and 406 of IPC.

2. Heard learned Counsel for the Applicant and the learned APP for the State. I have perused the records.

3. The crime against the Applicant was registered pursuant to the FIR dated 12.9.2018 lodged by one Suhas Chandrakant Sawant, who at the relevant time was the Vice President of Axis Bank, at Airoli, Navi Mumbai. The FIR prima facie reveals that

the Life Insurance Corporation of India (LIC) had its current account in the Axis Bank being Account No.751010200000347. The Bank had received 12 cheques for a total sum of Rs.20,72,145/- which were to be credited in the said account of LIC at Ahmedabad . Due to inadvertence the said cheques were wrongly credited in the Saving Account of the Applicant being Account No. 751010100000347. It is stated that the Applicant withdrew the said amount and refused to re-transfer or refund the said amount and mis-appropriated the same to his own use.

4. The learned Counsel for the Applicant had made a grievance that the crime in respect of the same offence is also registered at Ahmedabad. Learned APP upon instructions states that no crime has been registered at Ahmedabad police station, and that Crime No. I-0396 of 2018 is the only crime registered against the Applicant.

5. Now coming to the merits of the matter it is to be noted that the Applicant does not dispute that the money has been credited in his account. The Applicant does not claim that he has any right to retain the said amount. Learned Counsel for the Applicant states that the Applicant has returned an amount of Rs.7,60,000/-

which statement is disputed by the learned APP. Moreover, the application does not contain such averments. The Applicant has also not given particulars of payment made to the Bank. It is also pertinent to note that the order dated 14.1.2019 passed by the learned Addl. Sessions Judge, Thane in Bail Application No.3541 of 2018 reveals that the Applicant was granted interim bail since he had repeatedly shown willingness and given undertaking to return the amount of Rs.20,00,000/- to the bank. Despite such undertaking, the Applicant did not refund or return the amount. This Court had also given an opportunity to the Applicant to refund the amount. However, the Applicant has not shown any inclination to refund the public money, which is being prima facie mis-appropriated since 2017. The conduct of the Applicant before the trial Court as well as before this Court would not justify exercise of discretion in favour of the Applicant.

6. Considering the above facts and circumstances, in my considered view, this is not a fit case to grant bail to the Applicant. Hence the application is rejected.

(ANUJA PRABHUDESSAI, J.)