

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

CRIMINAL APPLICATION (BA) NO. 123 OF 2020

Samir s/o Bhaskar Chatte, Nagpur

Vs.

State of Maharashtra & Anr.

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

Shri S.P. Dharmadhikari, Senior Advocate with Shri U.P. Dable,
Advocate for the applicant.
Shri H.D. Dubey, A.P.P. for the respondent.

CORAM : PUSHPA V. GANEDIWALA, J.

DATED : JANUARY 06, 2021.

Heard.

2. This is an application for grant of regular bail in Crime No. 181/2019 dated 15/05/2019 registered at Police Station, Dhantoli, District - Nagpur for the offences punishable under Sections 406, 409, 420, 465, 467, 468, 475, 477A and 120B of the Indian Penal Code, 1860, Section 3 of the Maharashtra Protection of Interest of Depositors Act, 1999, and Sections 65 and 66B of the Information Technology Act, 2000.

3. The case of the prosecution, in nutshell, is that at the instance of one Shrikant Supe, Sub-Auditor for the Navodaya Urban Co-operative Bank Ltd., Nagpur, a report came to be lodged alleging therein many irregularities in various transactions due to which the Bank has suffered loss, and deposits to tune of Rs.38 crore of the investors were

misappropriated during the period between 2015-16 to 2016-17.

4. It is stated that the applicant had worked as a Chief Executive Officer in the aforesaid Bank during the period between 2007 to 2012. It is the specific allegation against the present applicant that he was actively involved in sanctioning 24 major loan cases granted to the co-accused persons, and all these cases were approved without taking into consideration the exposure limits.

5. It is further the allegation that all the notesheets, for approval of these loan cases, were prepared and signed by the present applicant, which shows his *prima-facie* complicity in the instant crime. It is also alleged that the applicant himself had obtained loan to the tune of Rs.6,00,000/- (rupees six lakh).

6. Shri Dharmadhikari, learned Senior Counsel, submitted that the co-accused Ashok, who is the Chairman of the aforesaid Bank, has already been released on bail by this Court vide order dated 24/11/2020 passed in Criminal Application (BA) No. 523/2020. That, the audit report, which was issued in the year 2018, was for the period between 2014 to 2015, however, the present applicant had resigned from the Bank in the year 2012 itself. The role attributed to him is only of preparing notesheet for distribution of loan, which was sanctioned by the Board through the Loan Committee. Learned Senior Counsel lastly submitted that whatever amount is outstanding against the

applicant, he is ready to pay the same with up-to-date interest.

7. Shri Dubey, learned A.P.P. reads out his reply affidavit in support of his submissions.

8. I have perused the application and the reply affidavit with the assistance of learned counsel for the parties. I have also considered the submissions put forth on behalf of both the sides.

9. At the outset, the applicant is already granted temporary bail by this Court vide order dated 15/05/2020 passed in Criminal Application (BA) No. 123/2020. Though, at that time, this Court was not inclined to grant him regular bail, however, subsequently, the co-accused Ashok - Chairman is released on bail by this Court. The prosecution could not point out any pecuniary gain to the present applicant due to the above alleged irregularities.

10. In the given facts, so also considering the fact that the role attributed to the present applicant is not greater than the role attributed to the co-accused Ashok, who is the Chairman of the aforesaid Bank, this Court is inclined to confirm the bail already granted to him on the same conditions with following riders:-

i. The applicant to clear the outstanding loan amount with up-to-date interest within a period of four weeks from today.

ii. The applicant to attend the concerned police station once in a month i.e. on every first Thursday of the month between 12.00 noon to 2.00 pm.

11. The Criminal Application is disposed of accordingly.

12. The aforesaid observations are only for granting bail to the applicant, and the same shall not come in the way of the trial Court, during trial.

JUDGE

Sumit