

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

CRIMINAL APPLICATION (BA) NO. 572 OF 2021

(Sameer Lekhram Meshram ..vs.. State of Maharashtra, through PSO PS Tirora, District Gondia)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. S.G. Jagtap with Mr. Sayajee, Counsel for the applicant,
Mrs. Kalyani Deshpande, Addl.P.P. for the non-applicant/State.

CORAM : ROHIT B. DEO, J.

DATED : 03-09-2021

The applicant, who is in custody since 31-12-2020, is seeking bail in connection with Crime 502/2020 registered with Tirora Police Station, District Gondia for offences punishable under Sections 406, 409 and 420 read with Section 34 of the Indian Penal Code and Sections 3 and 4 of the Maharashtra Protection of Interest of Depositors (In Financial Establishments) Act, 1999.

2. The crime is registered on the basis of report lodged by Mr. Ganesh Halmare-the Government Auditor and the applicant is arraigned as one of the twenty-five accused, substantially, if not entirely, on the basis of the audit report pertaining to the period 2015-2019.

3. In so far as the applicant, who was then working as Branch Manager, Sukadi Branch, Talukq-Tirora, District-Gondia, of the concerned society, there are five allegations in the audit report. The common thread

which runs through the five allegations is that since the signature of the recipient does not appear on the voucher, the presumption is that the money is not paid to the person who is allegedly the recipient, and that the applicant has misappropriated the same. Illustratively, allegation 3 pertains to withdrawal of Rs.10,000/- from the account of the wife of the applicant. However, on the premise that the signature of the wife of the applicant is not appearing on the voucher, an inference is drawn that the amount is misappropriated. Five recipients are named, including the wife of the applicant, in the audit paragraph concerned. However, the learned Additional Public Prosecutor Mrs. Kalyani Deshpande fairly states that the statement/s of the recipients is not recorded, with the result, it is difficult to ascertain whether there is only an administrative lapse or the amount is appropriated. It would have been very easy for the Investigating Officer to ascertain from the alleged recipients whether he or she has received the amount.

4. In any event, I do not consider it necessary, or even appropriate, to continue the incarceration. The applicant is in custody since 31-12-2020, the investigation is complete and the charge-sheet is filed. The case of the prosecution is based on documentary evidence which is in possession of the investigating agency. The applicant is not a flight risk and there is no reason to assume that he would be in a position to

subvert the trial.

5. The application is allowed subject to the following conditions.

a) The applicant shall be released on bail on executing personal bond of Rs.25,000/- with a solvent surety of like amount.

b) The applicant shall not make any attempt to tamper with the evidence or to influence witnesses, directly or indirectly.

c) The applicant shall attend each date of hearing scrupulously.

d) The applicant shall not leave the country without the permission of the trial Court.

JUDGE

adgokar