IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (ABA) NO.411 OF 2021

Nivrutti s/o Ganesh Gebad
Vs.
State of Maharashtra through PSO, Hiwarkhed, Tq. Telhara, Dist. Akola

WITH

CRIMINAL APPLICATION (ABA) NO.416 OF 2021

Rajivkumar s/o Bisheshernath Shingari
Vs.
State of Maharashtra through PSO, Hiwarkhed, Tq. Telhara, Dist. Akola

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

Shri J. Y. Ghurde, Advocate for applicant in ABA No.411/2021
Shri Ashwin Deshpande, Advocate for applicant in ABA No.416/2021.
Shri H. D. Dubey, APP for non-applicant/State.

CORAM : VINAY JOSHI, J.

DATED : 11/08/2021

In anticipation of arrest in Crime No.259 of 2021, registered with Police Station, Hiwarkhed, District Akola for the offences punishable under Sections 420, 409 read with 34 of the Indian Penal Code, the applicants are claiming pre-arrrest protection.

2. The applicant of Criminal Application (ABA) No. 416 of 2021 namely Rajivkumar was working as Bank Manager at Adgaon Branch of Central Bank of India

whilst applicant of Criminal Application (ABA) No. 411 of 2021 namely Nivruti is agriculturist.

3. It is the prosecution case that the Central Bank of India has floated various loan schemes for the farmers. The applicants along with others used to contact tribals under pretext of sanctioning loan and collected their documents. They have taken thumb impression and signatures of the prospective borrowers on various forms, slips etc. On the basis of forged documents, the loans were got sanctioned and the amount was misappropriated. Thus, the applicants have committed fraud and duped the bank as well as cheated number of tribals.

4. This Court has granted interim protection to both applicants vide order dated 23.07.2021 on assurance of applicants depositing certain amount to show their bonafide. It reveals from the FIR that during special audit it was revealed that there were total 24 bogus loan cases involving embezzlement of Rs.35,9,483/-. Both applicants have deposited

Rs.17,50,000/- each in the Court i.e. total amount of Rs.35,00,000/- matching to the amount of embezzlement.

5. The State resisted bail by filing reply / affidavit and pointing towards seriousness of crime learned APP submits that there is likelihood of coming forward some more cases of fraud. However, *prima facie* it appears that already special audit has done, which has examined all the loan transactions and came to the conclusions that the total embezzlement is of Rs.35,00,000/-. The period of fraud was from 06.05.2017 to 29.11.2019 and by the time applicant Rajivkumar a Manager has been transferred. All the documents are seized during the course of investigation. Having regard to the special feature, that entire embezzled amount of Rs. 35,00,000/- has been deposited in this Court, the appellants' liberty can be protected by directing them to co-operate in the process of investigation. In view of that, following order:

(i) Criminal Application (ABA) Nos. 411 of 2021 and 416 of 2021 are allowed.

(ii) Interim common order dated 23.07.2021 is hereby made absolute on the same terms and conditions with modification that both applicants shall attend concerned Police Station on every Sunday in between 11.00 a.m. to 2.00 p.m. till filing of charge-sheet or for the period of six months whichever is earlier.

(iii) The amount of Rs. 35,00,000/- deposited in Court be transferred to the account of Trial Court for its disposal in his discretion strictly according to law.

JUDGE

Sarkate