

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.21 OF 2022

ABHISHEK BHAGWAN KHANDEBHARAD
VERSUS
THE STATE OF MAHARASHTRA

...

Mr. Muhammad Aseem h/f Mr. Sayyed Tauseef Yaseen, Advocate for
applicant.

Mrs. Vaishali Patil Jadhav, APP for the respondent – State.

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CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 22.02.2022

ORDER :-

. The applicant is apprehending his arrest in connection with Crime No.447 of 2021 registered with Vaijapur Police Station, Dist. Aurangabad for the offences punishable under Sections 408, 420 of Indian Penal Code.

2. It will not be out of place to mention here that when the matter was on board on 15.02.2022, learned Advocate for the applicant submitted that he had made statement on the earlier occasion that the applicant is ready to deposit amount of Rs.2,96,130/- within a period of three weeks in the bank, but his client could not deposit that as he has met with an accident. Then, on the request of learned Advocate for the applicant, on the voluntary submission by the applicant that he would

deposit the amount on that day in the bank, the case was adjourned with direction that if the amount is deposited, then the applicant should produce photocopy of the receipt. Accordingly, the Demand Draft has been submitted to the bank i.e. Bharat Financial Inclusion Limited on 18.02.2022.

3. Heard learned Advocate Mr. Muhammad Aseem holding for learned Advocate Mr. Sayyed Tauseef Yaseen for the applicant and learned APP Mrs. Vaishali Patil Jadhav for the respondent - State. In order to cut short, it can be said that both of them have made submissions in support of their respective contentions.

4. FIR has been lodged by one Rashid Rafiq Sayyad, who is the Bank Manager of Bharat Finance Inclusion Limited, Vaijapur branch. It is stated that the present applicant was the employee of the bank and he was assigned with the work of collection of installment of the loan from the members. He has collected amount from 39 members. It is then stated that between 20.05.2020 to 17.07.2021, he was supposed to collect the installment to the tune of Rs.13,80,998/- from those members, however, he has deposited only amount of Rs.10,84,868/-. He has not deposited amount of Rs.2,96,130/- and, therefore, it was stated that he has misappropriated the amount and cheated the bank. The statements of witnesses would show that they had paid the installment

in the hand of present applicant and necessary documents have been collected by the investigating officer. Now, in view of the subsequent development, the applicant has voluntarily deposited amount of Rs.2,96,130/- with the bank and, therefore, he deserves to be released on anticipatory bail, on conditions. Hence, the following order :-

ORDER

- I) Application stands allowed.
- II) In the event of arrest of the applicant – Abhishek Bhagwan Khandebharad in connection with Crime No.447 of 2021 registered with Vaijapur Police Station, Dist. Aurangabad for the offences punishable under Sections 408, 420 of Indian Penal Code, he be released on P. R. Bond of Rs.30,000/- with two sureties of Rs.15,000/- each.
- III) The applicant shall attend the concerned Police Station on every Sunday between 10.00 a.m. to 2.00 p.m. till filing of charge-sheet and cooperate with the investigation.
- IV) He shall not tamper with the evidence of the prosecution, in any manner.
- V) He shall not indulge in any criminal activity.

[SMT. VIBHA KANKANWADI, J.]

scm