

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

917 BAIL APPLICATION NO.36 OF 2022

**PARSHURAM KARI RABDA
VERSUS
THE STATE OF MAHARASHTRA**

Shri. Dhananjay B. Thoke, Advocate for the applicant
Shri. S. B. Narwade, APP for the respondent/State

**CORAM : M. G. SEWLIKAR, J.
DATED : 15th March, 2022**

PER COURT :-

1. This is an application under Section 439 of the Code of Criminal Procedure for releasing the applicant on bail in connection with Crime No. 400 of 2014 registered with Chalisgaon City Police Station, District Jalgaon for the offences punishable under Sections 420, 406, 409 read with Section 34 of the Indian Penal Code and under Section 3 of Maharashtra Protection of Interest of Depositors (In Financial Establishments) (M.P.I.D.) Act, 1999.

2. Prosecution case in brief is that applicant was the Branch Manager of Micro Finance and Micro Leasing Company. Its Director are Ashok Patnaik and Vaikunthnath Patnaik and

Unit Manager is Prabhatkumar Panda.

3. Informant lodged the First Information Report alleging therein that one Rahul Aanoge was working as an agent of the said company. He had represented to the informant that the company had various schemes and if amount was deposited in the said scheme, the informant would get attractive returns. Informant was taken by said Rahul Aanoge to the accused who was working as a Cashier in the company. Applicant also represented the informant about various schemes and how investment in those schemes would fetch attractive returns. Therefore, informant opened an account for a period of three years in which informant was supposed to deposit Rs.100/- per month. In this manner, informant deposited Rs.600/- with the company. On 29th March, 2014, informant came to know that an offence was registered against the directors of the said company at Bhavaneshwar. On 29th March, 2014 he came to know that directors of Micro Finance Limited Company by the name of Ashok Patnaik and Vaikunthnath Patnaik were arrested in connection with crime of registered at Bhuvaneshwar. On making further inquiries, informant came to know that despite having no

authority, the applicant and the directors accepted deposits from the public. Accordingly, First Information Report came to be lodged and offences under aforesaid sections came to be registered against the applicant and other accused.

4. Learned counsel Shri. Thoke for the applicant submits that applicant was a Branch Manager in the said company. He had no role to play in framing the policies of the company. Applicant acted in accordance with the directions he received from his superiors. He further states that he is not a beneficiary of any of the amount alleged to be misappropriated.

5. Learned APP Shri. Narwade for the respondent/State submits that the applicant was appointed as a clerk initially and thereafter he rose to the post of Area Manager. He submits that applicant was one of those persons who had misrepresented the informant by giving details of the schemes and assuring attractive returns. He submits that applicant is the beneficiary as landed property is purchased in his name though he purchased it on behalf of the company but he was the one who was managing the said land. He submits that for all these reasons application

deserves rejection. Applicant was absconding for 6 years. He came to be arrested in the month of December, 2020 since then he has behind bars.

6. Learned counsel Shri. Thoke submits that applicant was not absconding. After the closure of the company, he had gone back to his native place. Therefore, it cannot be said that he was absconding.

7. Offence is of 2014. Director of the company has been released on bail. Applicant was the Area Manager in the said company though in the FIR he is described as a branch manager. It appears that during investigation it transpired that applicant was the area manager. There is nothing on record to show that the applicant was at any time involved in the policy making decisions. Learned APP has produced on record the sale deed showing that the property was purchased in the name of the applicant. However, that property was purchased by the applicant for and on behalf of the company. Therefore, it cannot be said that he was a beneficiary of the alleged misappropriation. Total misappropriation of Chalisgaon branch is

Rs.97 lakhs and odd amount. How much misappropriation applicant has committed is not explained by the prosecution. Though the offence is of the year 2014, and the applicant is behind bars since more than 2 years, charge is yet not framed. Therefore, there is no likelihood of commencement of trial in the near future. In this view of the matter, personal liberty of the applicant cannot be curtailed and he cannot be detained behind bars for an indefinite period. For these reasons, I am inclined to release the applicant on bail. Learned counsel Shri. Thoke submits that if applicant is released on bail, he would furnish local surety. In this view of the matter, following order is passed.

ORDER

1. Application is allowed.
2. Applicant be released on bail on his furnishing PR bond of Rs. 50,000/- (Rupees Fifty Thousand only) with one local surety in the like amount in connection with CR No. 400 of 2014 under Sections 420, 406, 409 read with Section 34 of the Indian Penal Code and under Section 3 of Maharashtra Protection of Interest of Depositors (In Financial Establishments) Act, 1999 registered with Chalisgaon City Police Station, Dist.

Jalgaon on condition that he shall not leave the jurisdiction of the concerned Court without the prior permission of the Court. He shall furnish the details of his mobile number and his address with the concerned Police Station. If he changes the mobile number and residential address, the same shall be furnished with the concerned Police Station. He shall deposit the passport if any with the concerned Police Station. He shall visit the concerned Police Station on every 2nd Sunday and 4th Sunday till the conclusion of the trial.

3. Application is disposed of.

4. It is clarified that the observations made in the above order are restricted to the decision of this application only and the trial Court shall not get influenced by the same and can come to its independent conclusion during trial.

[M. G. SEWLIKAR, J.]

ssp