

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.533 OF 2022

RUPESH RAMCHANDRA DHADWAD
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicants : Mr. Vinod Y. Bhide
APP for Respondent / State : Mr. G. O. Wattamwar
...

CORAM : S. G. MEHARE, J.

DATE : 20-06-2022

PER COURT :-

1. Heard the learned counsel for the applicant and learned APP for the respondent/State.

2. Admittedly, for the alleged misappropriation of amount, the concerned employee alongwith the applicant have faced the departmental enquiry. Initially, the Manager was terminated in the departmental enquiry. The applicant was imposed with major penalty of compulsory retirement from the services of the Bank by order dated 26.06.2018. When a departmental enquiry was initiated, no prosecution was lodged against the applicant and another co-accused. Thereafter, the Corporation Bank was merged in the Union Bank. Hence, the Union Bank unearthed the

misappropriation of the huge amount and then presented report alleging that the misappropriation was done in the year 2011.

3. A question has been raised for learned APP, as to how after accepting the assets and liabilities on merger, the Bank could be entitled to unearth old misappropriation and lodged prosecution against the persons who are not in service.

4. Learned APP would submit that the public money has been misappropriated and the Government exchequer is put in loss. However, he could not satisfy the Court that there were agreements between the Corporation Bank and the Union Bank during the merger that the right to take an action for misappropriation or any siphoning of funds was kept with the Union Bank.

5. Be that as it may, it reveals that the entire record lies with the Bank. The transaction is of the year 2011-2012. A detailed departmental enquiry was made. The applicant was compulsorily retired in the year 2018. The reason is best known to the earlier employer as to why it had not preferred to recover alleged misappropriated money proportionately.

6. Having regard to all these aspects, this Court is of the view that no purpose would be served, if the custodial interrogation is allowed. Hence, the following order :-

- i) Application is allowed.
- ii) In the event of arrest, the applicant Rupesh Ramchandra Dhadwad shall be released on bail, on executing PB and SB of Rs. 25,000/- with one solvent surety in the like amount, in connection with C. R. No. 0571 of 2021 registered with Sangamner City Police Station, Sangamner, District Ahmednagar, for the offences punishable under Sections 406, 420, 465, 468, 471, 472, 199, 200 and 193 of the Indian Penal Code.
- iii) *Hamdust* allowed.

(S. G. MEHARE)
JUDGE

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