

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

ANTICIPATORY BAIL APPLICATION NO.642 OF 2022

Manik Madhav Mote ...Applicant

VERSUS

The State of Maharashtra ...Respondent

**WITH
ANTICIPATORY BAIL APPLICATION NO.646 OF 2022**

Meerabai w/o Sunil Mote ...Applicant

VERSUS

The State of Maharashtra ...Respondent

...

Mr. R.R. Karpe, Advocate for the applicants.
Ms. V.S. Choudhari, APP for the respondent-State.

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CORAM : S.G. MEHARE, J.

DATED : 20th JUNE, 2022.

PER COURT:-

1. Heard learned counsel for the applicants and learned APP for the State.
2. The learned APP has strongly opposed the applications contending that huge public money involved in the present crime has to be recovered.
3. On the contrary, learned counsel for the applicants would submit that the applicants are the directors of the bank. The audit report reveals no misappropriation, but it is merely mismanagement.

There is nothing with the prosecution to prove that the applicants have cheated any depositors. He would refer to the earlier order passed by this Court granting bail to the similarly situated accused.

4. The audit report is very clear that there was no misappropriation of the public money; however, there was mismanagement. The overall factum of the case is silent on cheating and misappropriating public money. The applicants are the directors of the bank, and the prosecution has no prima facie evidence of the intention on the part of the applicants to cheat the depositors. So far as the investigation is concerned, the allegations are based on the documents lying with the bank. Therefore, the custodial interrogation will be fruitless. The applications deserve to be allowed. Hence, the following order :

ORDER

(A) The Applications are allowed.

(B) In the event of arrest of the applicants, namely Manik s/o Madhav Mote and Meerabai w/o Sunil Mote in connection with Crime No.729/2020, registered with Newasa Police Station, District Ahmednagar for offences punishable under Sections 3 of the Maharashtra Protection of Interest of the Depositors (In Financial Establishments) Act, 1999 r/w Section 420, 120-B, 406 r/w 34 of the Indian Penal Code, they be released on bail, on furnishing P.B. and S.B. of Rs.25,000/- (Twenty Five Thousand) each with one or more

(3)

solvent sureties in the like amount, on the condition that they shall attend the police station as and when called by the Investigating Officer on written notice and shall not tamper with the prosecution witnesses.

(C) Hamdast allowed.

(S.G. MEHARE, J.)