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

ANTICIPATORY BAIL APPLICATION NO.827 OF 2022

VIJAY TULSHIRAM LANDAGE
VERSUS
THE STATE OF MAHARASHTRA
...
Advocate for Applicants : Mr. Girish S. Rane
APP for Respondent/State : Mr. V.M. Kagne
...

CORAM : S.G. MEHARE, J.

DATED : 28th JULY, 2022

PER COURT:-

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

2. A serious allegation of misappropriating the amount of Rs.62,37,671/- has been levelled against the applicant. The report is very specific that by order dated 21.09.2020, the additional charge of Assistant Accountant was handed over to the applicant. The duty of the applicant was to receive the money collected by the wire-man and the money deposited by the consumers towards the electricity charges.

3. Learned APP has pointed out that the wire-man who goes to the consumers directly, they used to collect the money and immediately record the entry in OCC system. After entering the entry in the system, the wire-man used to come to the office and deposit the

cash with the Assistant Accountant. Thereafter, the Assistant Accountant was to verify the cash with the entries in OCC system. It was the duty of the Assistant Accountant to deposit the cash received every day in the bank. After verifying the cash, the accountant and the person who has deposited the money has to counter sign in a separate register maintained for that. Thereafter, the assistant accountant has to deposit the amount in State Bank of India which has been opened for only deposit of the cash. These were the duties of the applicant.

4. Learned counsel for the applicant has come with a case that as per the office order dated 11.06.2020, the applicant was not to discharge the duty collecting the money from the consumers and wire-man and deposit in the bank. Referring to the duty list, he has vehemently argued that the cash was dealt with by one other Lower Grade Clerk (Accounts). He has also argued that initially the amount of Rs.2,16,320/- was found deficit when the higher officers made inquiry about this deposited amount. The applicant admitted that the said amount was lying with his home and next day he has deposited the amount. He has also vehemently argued that the audit was done for the period before he was incharge and after he was incharge hence, he has no concerned with the alleged misappropriation.

5. Learned APP has rightly pointed out that the entire misappropriation of such a huge amount was during the period when

the applicant was holding the charge. He has also rightly pointed out that the conduct of the applicant keeping the money at home is self-evident against his dishonesty. A huge amount of Rs.62,37,671/- has to be recovered and it is possible only if the custodial interrogation of the applicant is allowed.

6. Considering the above arguments and the facts of the case, this Court is of the view that the applicant has no case for anticipatory bail. Hence, the application stands dismissed.

(S.G. MEHARE, J.)

Mujaheed//