

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

BAIL APPLICATION NO. 1002 OF 2022

Ganesh Jaya Shetty	... Applicant
Versus	
The State of Maharashtra	... Respondent
....	
Mr. A. K. Bhosle, Advocate for applicant	
Mr. N. T. Bhagat, APP for respondent - State	

**WITH
CRIMINAL APPLICATION NO. 2362 OF 2022**

Arjun Prithviraj Chavan	... Applicant
Versus	
Ganesh Jaya Shetty and another	... Respondents
....	
Mr. A. D. Kulkarni, Advocate for applicant	
Mr. A. K. Bhosle, Advocate for respondent No.1	
Mr. N. T. Bhagat, APP for respondent No.2 - State	

**CORAM : R. G. AVACHAT, J.
DATED : 17th AUGUST, 2022**

PER COURT :-

1. Criminal Application No. 2362 of 2022 is allowed. The original complainant is permitted to assist the learned APP.

2. This is an application for bail under Section 439 of the Code of Criminal Procedure. The applicant has been arrested in

connection with Crime No.0143/2022, registered at Kranti Chowk Police Station, Aurangabad District Aurangabad for the offences punishable under Sections 408 and 420 of the Indian Penal Code.

2. Heard. Perused the First Information Report (FIR) and related papers.

The FIR has been lodged on 14.06.2022. The informant is a hotelier. He runs hotel, "Ira" at Aurangabad. The applicant herein had joined with his hotel to serve as a Manager on 02.10.2019. The applicant earned confidence of the informant. He was, therefore, entrusted with responsibility to deal at cash counter and liquor stock as well. Taking disadvantage of the confidence reposed by the informant, the applicant started misappropriating cash received daily. In October, 2020, the informant gave him a hand loan of Rs. 3,41,202/-. The informant has raised a bank loan with a pledge of his mother's gold ornaments. The applicant repaid a sum of Rs.1,91,202/-. A sum of Rs.1,50,000/- remained outstanding. The informant, later on, on his own, unpledged the ornaments of his mother.

It is further averred in the FIR that, after taking accounts of the hotel business, the informant realised the applicant to have

misappropriated a sum of Rs.13,87,599/-. The applicant on his own sold liquor to his friends and acquaintances on credit amounting to Rs.2,50,000/-. The applicant acknowledged his liability in writing on a bond paper. Looking to the family of the applicant, the informant continued him in service. On 10.06.2022, the applicant took Rs.60,000/- as advance, while on 09.06.2022, he committed theft of Rs.40,000/- cash from the hotel. The FIR, therefore, came to be lodged alleging the applicant to have misappropriated a sum of little over Rs.18,87,599/-.

3. The learned Advocate for the applicant would submit that the amount of hand loan has been repaid by the applicant. A civil liability, if any, is sought to be made a criminal offence. The learned Advocate would submit that the charge-sheet has now been filed. The applicant has a wife and minor children to look after. The applicant is ready to deposit a sum of Rs.2,00,000/- (Rupees Two Lakh). He, therefore, urged for grant of bail.

4. The learned APP and the learned Advocate for the intervenor on the other hand, submit that it is a case of misappropriation of huge amount of over Rs.18,00,000/- (Rupees Eighteen Lakh). The applicant is resident of Karnataka State. If he is

granted bail, he may not be available to face the trial. The trial Court may be requested to dispose of the case within a time frame. Both of them, therefore, urged for rejection of the application.

5. Considered the submissions advanced. Perused the FIR. The last incident is stated to be a theft of Rs.40,000/- committed by the applicant. He is alleged to have not paid Rs.1,50,000/-, received as hand loan. He is alleged to have misappropriated Rs.13,87,599/-. The said amount has been worked out after having taken accounts for the period during the applicant served as a Manager. On investigation, the charge-sheet has been filed. It will take time for commencement and conclusion of trial. The applicant has a wife and minor children to look after. He came around to deposit a sum of Rs.2,00,000/-. In this factual backdrop, I am inclined to grant the application. Hence, following order:

ORDER

- (i) The Bail Application is allowed.
- (ii) The applicant be released on bail in connection with Crime No.0143/2022, registered at Kranti Chowk Police Station, Aurangabad District Aurangabad, for the offences punishable under Sections 408 and 420 of the Indian Penal Code, on his executing P. R. bond in

the sum of Rs.15,000/- (Rupees Fifteen Thousand) with surety bond of the like amount.

- (iii) The applicant shall deposit before the trial Court a sum of Rs.2,00,000/- (Rupees Two Lakh) within a period of two weeks from today as condition precedent for release on bail.
- (iv) If the amount is deposited, the same may be paid to the informant, if he applies for the same, on condition to be imposed by the trial Court.
- (v) The applicant shall not tamper with the prosecution evidence.

[R. G. AVACHAT, J.]