

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

ANTICIPATORY BAIL APPLICATION NO.1545 OF 2022

**SANTOSH PRABHAKAR GAIKWAD
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

...
Mr. Anil H. Dhupe, Advocate for Applicant
Mr. V. S. Badakh, APP for Respondents – State, Assisted by
Mr. S. A. Gaikwad, Advocate
...

CORAM : NITIN B. SURYAWANSHI, J.

DATE : 24th NOVEMBER, 2022

PER COURT :

1. Applicant is apprehending arrest in Crime No.0346/2022, registered with Phulambri Police Station, Aurangabad, for offence punishable under Sections 420, 467, 468 and 471 of the Indian Penal Code.
2. Applicant is Branch Manager of Phulambri branch of Devgiri Nagari Sahkari Patsanstha, Maryadit, Aurangabad. Audit of the said branch was conducted for the years 2020 to 2022 and it was found that by misusing his position as a Branch Manager, the applicant has misappropriated an amount of Rs.30,49,051/-. Accordingly, the auditor lodged the FIR.
3. Heard learned advocate for applicant and learned Additional Public Prosecutor for respondents – State. Perused the investigation papers.

4. Learned advocate for applicant submits that FIR is lodged due to misunderstanding. Applicant is innocent and he has not committed any offence. No such misappropriation as alleged in the FIR was found in the regular audit of Phulabri Branch. Further contention is that offence pertains to forgery of documents and all the documents are seized by Investigating Officer. Therefore, custody of applicant is not necessary for the purpose of investigation.

5. Learned Additional Public Prosecutor and learned advocate representing informant strenuously opposed the application contending that it is revealed during investigation that applicant has committed misappropriation of Rs.27,70,000/-. The said fact is admitted by applicant in departmental inquiry proceedings. Applicant, therefore, does not deserve discretionary relief.

6. Perusal of record indicates that applicant has admitted commission of misappropriation of Rs.27,70,000/- by fabricating and forging the record. Custody of applicant is necessary for effective investigation. Applicant, therefore, does not deserve any discretionary relief. Application is, therefore, rejected.

(NITIN B. SURYAWANSHI, J.)