

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 2934 OF 2022

Shri. Hanumant Sahebrao Kharat ... Applicant

V/s.

The State of Maharashtra ...Respondent

Mr. Suresh Shah i/b Swaroop Karade, Advocate, for the Applicant.
Ms. P.P. Shinde, APP, for the Respondent/State.

CORAM : N.R. BORKAR, J.
DATE : 16.11.2022.

PC. :

1. This is an application under Section 438 of Code of Criminal Procedure for anticipatory bail.

2. The applicant is apprehending his arrest in C.R. No.386 of 2022 registered at Akluj Police Station, Akluj, Tal. Malshiras, District Solapur, for the offences punishable under Sections 420, 406, 409 read with 34 of the Indian Penal Code, 1860 (in short I.P.C.).

3. According to the prosecution the accused No. 1, who was working as Bank Manager from the year 2013 to 2018 with Shirpur Branch of Bank of Maharashtra in connivance with other co-accused defrauded the Bank to the tune of Rs. 92,60,000/-.

4. I have heard the learned counsel for the applicant and the

learned APP for the respondent/State.

5. The learned counsel for the applicant submits that during the relevant period the applicant was working as a Peon with the Bank. It is submitted that according to the prosecution accused No. 1 had sanctioned the loans in utter violations of rules and collected money from the borrowers through cheques. It is submitted that the only allegation against the present applicant is that the present applicant used to encash the said cheques and used to handover the amount to accused No. 1. It is submitted that there are no allegations that the present applicant defrauded the Bank with other co-accused. It is further submitted that the applicant may thus be released on anticipatory bail.

6. The learned APP for the respondent/State submits that considering the role attributed to the present applicant in crime in question his specimen handwriting would be necessary. Therefore it is submitted that the present applicant may not be released on anticipatory bail.

7. There are no allegation that the present applicant in connivance with other co-accused defrauded the Bank. I am therefore, inclined to release him on anticipatory bail. In the result, the following order is passed:

ORDER

- A) The Anticipatory Bail Application is allowed.
- B) In the event of arrest of applicant in C.R. No.386 of 2022 registered at Akluj Police Station, Akluj, Tal. Malshiras, District Solapur, for the offences punishable under Sections 420, 406, 409 read with 34 of the Indian Penal Code, 1860, he shall be released on bail on executing P.R. Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand) with one or two sureties in the like amount.
- C) The applicant shall attend the concerned police station from 21 November 2022 to 23 November 2022 between 11:00 a.m. and 2:00 p.m. and thereafter, as and when called by the Investigating Officer and shall co-operate in the investigation.
- D) The applicant shall provide his specimen handwriting to the Investigating Officer.

[N.R.BORKAR, J.]