IN THE HIGH COURT OF JUDICATURE AT BOMBAY NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (ABA) NO. 108 OF 2022

Pankaj S/o Devidas Deshmukh
Versus
State of Maharashtra, through P.S.O., P.S. Ramtek, Dist. Nagpur

Office Notes, Office Memoranda of Coram, appearances, Court's Orders or directions and Registrar's order	Court's or Judge's Order

Shri A.T. Purohit, Advocate for the applicant.
Shri M.J. Khan, A.P.P. for the non-applicant/State.

CORAM : ANIL S. KILOR, J.
DATED : 23/02/ 2022

1. The applicant is seeking pre-arrest bail in Crime No.421 of 2019 dated 13.06.2019 registered with Police Station Ramtek, Dist. Nagpur for the offence punishable under Sections 420, 468 and 471 read with Section 34 of the Indian Penal Code.

2. Shri Purohit, learned counsel for the applicant points out from First Information Report that on the allegation of illegalities committed in granting loan to the various persons during the period from 03.07.2013 to 12.08.2014, on 13.06.2019, a criminal complaint was lodged by Bank of India, Shitalwadi. The offence was registered against 147 persons, out of which, two are former employees of the Bank and two are the business correspondence of the Bank and 143 are the

beneficiaries. He therefore, submits that in the FIR, the name of the applicant does not appear as an accused. It is submitted that the applicant was called by the Police for recording the statement and it was recorded on 17.01.2022.

3. Subsequently, the applicant moved an application for anticipatory bail before the trial Court which was strongly opposed by the Police and custody was sought.

4. The learned counsel for the applicant therefore submits that though the applicant is not shown as an accused in the aforesaid crime, the Police are trying to take in his custody.

5. The learned counsel for the applicant has further drawn attention of this Court to the findings recorded by the Assistant General Manager and Disciplinary Authority, in a disciplinary proceedings initiated against the applicant in the same allegations i.e. disbursement of agricultural loan without verifying 7/12 extracts. It is pointed out that in the inquiry report, in order of penalty issued by the Disciplinary Authority, he has observed that at the relevant time, the applicant was working as 'Agricultural Officer' in the Bank and he was entrusted with the charge of four more branches in addition to Shitalwadi, to look after inspection and

processing of agricultural proposals. It is stated in the said order that the applicant has not sufficient experience and he was over burdened with agricultural financing work. It is further observed that the racket of fraudsters was in action at Shitalwadi, to which the applicant could not smell being he was on probation and had very less experience and not having proper guidance from the then Branch Manager, Senior Staff members at Shitalwadi Branch.

6. On the other hand, Shri Khan, learned A.P.P. submits that the custody of the applicant is necessary to obtain specimen signatures to match with the signature of the applicant on the loan documents. The learned A.P.P. further submits that out of 400 proposals, 143 proposal were recommended by the applicant and many of them found to be not properly processed and was recommended without verifying 7/12 extracts and other relevant documents.

7. After considering the record and perusal of the allegations in the FIR, *prima facie* it is clear that initially the offence was registered against the four accused persons along with 143 beneficiaries. The alleged offence was committed during the period from 03.07.2013 to 12.08.2014, when the applicant was

working as ‘Probationary Officer’ at Shitalwadi branch, he was given additional charge of four branches.

8. The order of Disciplinary Authority *prima facie* shows that the applicant had no experience when he was directed to deal with such applications as he was working as ‘Probationary Officer’ and he was not properly instructed by Senior Branch Manager and in respect processing of agricultural loan applications.

9. If the Investigating Officer wants specimen signatures of the applicant for further investigation, the applicant can give it to the Investigating Officer by attending the Police Station as a condition of grant of bail. However, according to me for the said purpose, custody of the applicant is not necessary.

10. Thus, looking to the above referred factors, I am of the opinion that this is a fit case to grant anticipatory bail to the applicant. Accordingly, I pass the following order:

a) The application is allowed.

b) In the event of arrest of the applicant in Crime No.421of 2019 with Police Station Ramtek, Dist. Nagpur for the offence punishable under Sections 420, 468 and 471 read with

Section 34 of the Indian Penal Code, the applicant be released on bail, on furnishing P.R. Bond of Rs.15, 000/- (Rs. Fifteen Thousand Only) with one solvent surety in the like amount.

c) The applicant shall attend the Police Station as and when his presence is required.

d) It is further made clear that whenever his presence is required, a written intimation before 72 hours be given to the applicant.

The criminal application is disposed of, accordingly.

[ANIL S. KILOR, J.]

CHETAN LOPCHAND DHAKATE

Digitally signed by CHETAN LOPCHAND DHAKATE
Date: 2022.02.25 15:14:20 +0530