

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

CRIMINAL APPLICATION (ABA) NO.722 OF 2021

Mrs. Leena w/o Balkishan Gandhi

Vs.

State of Maharashtra, Through Police Station Officer, Dhantoli Police Station, Nagpur

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. A. S. Samdekar, Advocate for applicant.

Mr. I. J. Damle, APP for non-applicant/State.

CORAM : AVINASH G. GHAROTE, J.

DATE : 02/05/2022

Heard Mr. Samdekar, learned counsel for the
applicant and Mr. Damle, learned APP for the
non-applicant/State.

2. The applicant has already been granted interim anticipatory bail by an order dated 03.01.2022. The charge-sheet has already been filed on 11.09.2019. The applicant, is alleged to have settled his account with the Navodaya Urban Co-Operative Bank Ltd.,. The settlement amount was Rs.1,19,05,768/- and the settlement had took place on 03.05.2016, in which entire amount has been deposited. It is therefore, submitted that nothing was due and payable on behalf of the applicant on account of the settlement and therefore, the application needs to be allowed.

3. Mr. Damle, learned APP for non-applicant/State, opposes the application and submits, that as on 31.03.2016, the amount was due Rs.1,11,07,222/- and the one time settlement (OTS) was for Rs.1,00,22,101/- and therefore, a loss of Rs.13,10,005/- is claimed to have been caused to the bank.

4. The settlement is not in dispute by Mr. Damle, learned APP for non-applicant/State. He submits that on account of the settlement what has been paid is an amount of Rs.1,00,22,101/- and therefore, there is a short fall of Rs.13,10,005/-.

5. Mr. Samdekar, learned counsel for the applicant, invites my attention to page 19, the statement of account to contend that what has been paid to the bank is Rs.1.19 Crore and more, which is as under:

“17.05.2019 annexure no.17:

Sr. No.	Date	Amount
01	02.03.2013	Rs.60,000/-
02	30.08.2013	Rs.61,667/-
03	29.03,2014	Rs.16,77,000/-
04	01.11.2014	Rs.80,000/-
05	10.12.2014	Rs.5,000/-
06.	16.04.2016	Rs.5,16,666/-
07.	31.05.2016	Rs.95,05,435/-
	Total	Rs.1,19,05,768/-

6. It is thus apparent that what remains is dispute regarding entitlement of Rs.13,00,000/- and odds and the statement is that it has been paid, considering which, I do not see any reason not to allow the application.

7. The interim order dated 03.01.2022, therefore is confirmed, the application is accordingly allowed, in terms thereof.

JUDGE

Sarkate