

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

CRIMINAL APPLICATION (ABA) NO.670 OF 2022

Tushar S/o Balasaheb Naik .Vs. State of Maharashtra, through P.S.O., P.S. Bajaj
Nagar, Tq. & 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 R.M. Tahaliyani, Advocate for the applicant.

Shri V.A. Thakare, A.P.P. for the non-applicant/State.

Shri A.J. Gargey, Advocate (Assist to prosecution).

CORAM : ANIL S. KILOR, J.

DATED : 14/12/2022

1. Heard.
2. The applicant is seeking pre-arrest bail in Crime No.166 of 2022, registered with Police Station: Bajan Nagar, District: Nagpur, for the offences punishable under Sections 114, 409, 467 and 477-A of the Indian Penal Code and Sections 66(c) and 66(d) of the Information Technology Act.
3. The prosecution story is that, on 25.03.2022 the informant lodged the report stating therein that, he is working in Yavatmal Cooperative Bank Ltd. at Devnagar Branch, Nagpur in last 24 years being a Divisional Officer. He verified the record of the bank which was reported to the Chief Executive Officer on 24.02.2022 which was found that one employee Ku. Sneha Prakash Dani @ Sau. Sneha Tushar Naik (wife of present applicant) who was working

as a Clerk has misappropriated the bank funds. It was found that, the said employee has transferred the amount meant for expenditure of the bank to various accounts. She has transferred the said amount to her relatives accounts including present applicant. A total amount of misappropriation is Rs.97,63,313/-. Accordingly, the informant has lodged the report with the non-applicant Police Station.

4. In the light of the allegations made in the First Information Report, I have perused the Case Diary.

5. From the Case Diary, *prima facie* it appears that in this crime, the main accused is the wife of the applicant who misused her position as an employee of the Bank. She opened various accounts in various names including the name of the applicant, her son etc. The amount deposited in the account was standing in the name of the applicant and is one of the reasons for opposing the bail by the learned APP thereby, he is trying to impress that the applicant was aware of the alleged transactions and he did not object to it and therefore, which shows his involvement in the alleged crime.

6. To consider the said objection, on perusal of the relevant documents available in the case diary, *prima facie* it appears that initially the accused No.1 Sneha opened the account in the name of applicant and subsequently, she made changes in the said account by changing the mobile number. It appears that the intention behind changing the

mobile number and other details were that the applicant should not get any knowledge of the alleged illegality. No doubt some fixed deposits are there in the name of the applicant and the certificates bear signature of the applicant. However, the material collected by the Investigating Officer further *prima facie* show that the amount of those FDs were subsequently transferred in the account of main accused, Sneha.

7. While considering the present application for grant of bail, it cannot be ignored that the applicant immediately after receiving the knowledge of such illegality committed by his wife, on his own deposited Rs.25,00,000/- and subsequently, again deposited Rs.25,00,000/-, total amount Rs.50,00,000/- in account of the sister of the applicant.

8. The material collected by the Investigating Officer is a pointer to show the involvement of the main accused. In the circumstances, as relevant record has already been seized and recovered by the Investigating Officer and further considering the role of the applicant in the alleged offence, I am of the opinion that the purpose would be served if the applicant is directed to attend the concerned Police Station and cooperate the Investigating Officer in investigation. Accordingly, I pass the following order:

- a) The criminal application is **allowed**.

- b) Order passed by this Court on 19.09.2022, granting *ad-interim* anticipatory bail, is confirmed with modification that the applicant shall attend the concerned Police Station from 19.12.2022 till 25.12.2022 between 10.00 a.m. to 12.00 noon and thereafter, as and when his presence is required.
- c) The applicant shall not tamper with the prosecution witnesses.

The criminal application is **disposed of** accordingly.

JUDGE