

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

CRIMINAL APPLICATION (ABA) NO.733 OF 2022

Shri Sachin S/o Hiralal Kashyap .Vs. State of Maharashtra

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

Court's or Judge's Order

Shri S.V. Bhutada, Advocate for the applicant.

Ms Shamsi Haider, A.P.P. for the non-applicant/State.

CORAM : ANIL S. KILOR, J.
DATED : 14/12/2022

1. Heard.
2. The applicant is seeking pre-arrest bail in Crime No.181 of 2019, registered with Police Station: Dhantoli, District: Nagpur, for the offences punishable under Sections 420, 406, 409, 120-B, 465, 467, 468, 471, 477-A of the Indian Penal Code, Section 3 of the Maharashtra Protection of Interest of Depositors (in Financial Establishments) Act, 1999 and Sections 65 and 66-B of the Information and Technology Act, 2000.
3. The prosecution story is that, one Shrikant Supe who was appointed as a Special Auditor for Navodaya Urban Co-operative Bank Ltd., Nagpur gave a detailed complaint on the basis of findings arrived at by him while conducting the audit for the years 2015-2016 and 2016-2017. The complainant came across various transactions, which do not fall within the banking transactions and

further noticed that many misdeeds with criminal intent are done, due to which the bank has suffered and the money of the investors was misappropriated. On the basis of the audit report and the complaint, the said First Information Report (FIR) was lodged.

4. It is alleged that the applicant was granted loan of Rs.44,00,000/- and the said loan account became Non-Performing Account (NPA) and Rs.1,91,71,71,965/- is outstanding as on 15.11.2022.

5. It can be seen from the charge-sheet that, the FIR was registered in the year 2019 and after investigation, the first charge-sheet was filed.

6. The applicant is a practicing Advocate and has been regularly appearing in the matters before the Court. Therefore, though the submission of the learned APP that the applicant was absconding, the same cannot be accepted.

7. Considering the period lapsed after registration of the FIR, coupled with the fact that the first charge-sheet is filed, 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. In the circumstances, I pass the following order:

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

- b) It is directed that in the event of arrest of the applicant in Crime No.181 of 2019, registered with Police Station: Dhantoli, District: Nagpur, for the offences punishable under Sections 420, 406, 409, 120-B, 465, 467, 468, 471, 477-A of the Indian Penal Code, Section 3 of the Maharashtra Protection of Interest of depositors (in Financial Establishments) Act, 1999 and Sections 65 and 66-B of the Information and Technology Act, 2000 the applicant shall be released on bail on furnishing P.R. Bond of Rs.15,000/- with one solvent surety in the like amount.
- c) The applicant shall attend the concerned Police Station on 19.12.2022 to 23.12.2022 between 10.00 a.m. to 12.00 noon and thereafter, as and when his presence is required.
- d) Liberty is granted to the State to apply for cancellation of bail in case, the applicant does not cooperate the Investigating Officer in investigation.
- e) The applicant shall not tamper with the prosecution witnesses.

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

JUDGE