

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

ANTICIPATORY BAIL APPLICATION NO.16 OF 2023

VISHAL DINANATH ROY

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

...

Mr. Shailesh P. Brahme, Advocate for Applicant
Mr. A. V. Deshmukh, APP for Respondents – State

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CORAM : NITIN B. SURYAWANSHI, J.

DATE : 13th JANUARY, 2023

PER COURT :

1. Applicant apprehends arrest in Crime No.545/2022, registered with Bhusawal Bazarpeth Police Station, Bhusawal, District Jalgaon, for offence punishable under Sections 408 and 409 of the Indian Penal Code.
2. Area Manager of Mannapuram Finance Limited has lodged the FIR alleging that applicant who was working as a Branch Manager of Bhusawal branch, has misappropriated gold ornaments, weighing 1 Kg 916 Gm, worth Rs.60,81,830/-, pledged with the applicant's branch.
3. Heard learned advocate for applicant and learned Additional Public Prosecutor for respondents – State. Perused the investigation papers.

4. It is alleged in the FIR that applicant was working as Branch Manager at Bhusawal Branch of Mannapuram Finance Limited. On 21/11/2022, he informed Assistant Branch Manager that he has kept keys of the branch on the cooler and he will be late in coming to the branch. Accordingly Assistant Branch Manager collected the keys and opened the branch. They found that applicant has left the room along with his bag, clothes and other belongings. His cell phone was switched off. Power supply of the CCTV in the branch was switched off and button of the UPS, connected to the CCTV was also switched off. They found the drawer in cupboard open. They informed the said fact to the Regional Manager. Regional Manager asked the Assistant Branch Manager to check the bags in which pledged gold was kept. On checking they found that 16 bags were stolen. The CCTV was found switched off since Saturday evening from 07:00 p.m. onwards. When CCTV footage of the seeds shop situated on the ground floor was checked, it was found that on 20/11/2022, at about 07:20 a.m. applicant was seen entering the branch and after 20 minutes he left the branch carrying a bag and a file. It is, therefore, alleged that applicant has exchanged keys and kept both the keys of locker with him and has misappropriated gold ornaments.

5. Learned advocate for applicant submits that applicant is

falsely implicated in the present crime as two months prior to the date of lodging FIR, complaint was made by the applicant to the Higher Office that some of the pledged gold in the branch was illegally auctioned.

6. From the investigation papers, *prima facie* the applicant appears to be involved in the crime. Gold worth Rs.60,81,830/- is stolen and applicant *prima facie* appears to be author of the crime. For effective investigation and recovery of gold applicant's custody is very much necessary. Applicant is, therefore, not entitled for discretionary relief of anticipatory bail. In the result, application is rejected.

(NITIN B. SURYAWANSHI, J.)