

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

ANTICIPATORY BAIL APPLICATION NO. 75 OF 2023

Bhagwat Shrirang Pote

..APPLICANT

VERSUS

State of Maharashtra and Another

..RESPONDENTS

....
Mr. Anandsingh Bayas, Advocate h/f Mr. K.K. Gaikwad, Advocate for
applicant

Mr. N.T. Bhagat, A.P.P. for respondents

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CORAM : R.G. AVACHAT, J.

DATE : 16th MARCH, 2023

PER COURT :

1. This is an application under Section 438 of Code of Criminal Procedure. The applicant claims to have an apprehension of being arrested in connection with Crime No. 282 of 2022 registered with Majalgaon Police Station, Dist. Beed for the offences punishable under Sections 420, 467, 468, 471, 409 and 511 of the Indian Penal Code.

2. Heard. Perused First Information Report ("F.I.R.") and related police papers.

3. F.I.R. has been lodged by one Bhushan Kamble, Branch Manager of Maharashtra Gramin Bank, Branch Takarvan, Tq. Majalgaon, Dist. Beed on

29th September, 2020. It has been averred in the F.I.R. that the applicant was the Manager of the very branch. The said bank, from the period 03rd October, 2019 to 28th October, 2021, had disbursed loan to the unemployed youth under the Prime Minister Employment Generation Program. A person, who has been granted loan, was entitled for a subsidy for 15% to 35% of the loan amount. All the loan related documents were required to be uploaded on the central government portal. The subsidy amount used to be credited to the account of the candidate, who has been granted loan under the said scheme.

4. It is further averred in the F.I.R. that one Eknath Taur and Rahul Jadhav were not the beneficiaries of the scheme. The applicant herein still forwarded certain documents to suggest these two persons were granted loan under the said scheme. The applicant then opened false accounts, prepared false and fabricated bank statements and granted subsidy of Rs.8,74,500/- and 6,24,500/- in those two bank accounts respectively. No sooner the fraud was detected, the accounts came to be freezed. The amount of subsidy thereby could not be disbursed or misappropriated by the applicant. Thus, the applicant is alleged to have committed forgery of documents and attempted to commit criminal breach of trust or misappropriation of the public fund.

5. Learned counsel for the applicant would submit that it was an attempt to commit the offence. Bank did not suffer any monetary loss.

Departmental action has already been initiated against the applicant. The applicant is about little over fifty-four years of age. No custodial interrogation is required. He, therefore, urged for grant of the application.

6. Learned A.P.P. would, on the other hand, submit that involvement of the applicant in the offence in question is writ large. The F.I.R. has been lodged by the Branch Manager of the said bank. He, therefore, urged for rejection of the application.

7. Considered the submissions advanced. The nature of evidence is documentary. Fortunately, no amount could be parted with in favour of the concerned candidates, nor it could be misappropriated by the applicant. From the nature of offence, his custodial interrogation is not warranted. True, his involvement in the crime is prima facie evident. It is informed that the departmental action has been initiated against the applicant. The applicant is little over fifty-eight years of age.

8. In the factual backdrop of the case, the applicant needs to be granted anticipatory bail. Hence the following order :-

ORDER

(I) Application is allowed.

(II) In the event of arrest of the applicant, in connection with Crime No. 282 of 2022 registered with Majalgaon Police Station, Dist. Beed for the offences punishable under Sections 420, 467, 468, 471, 409 and 511 of the Indian Penal Code, the applicant be released on executing P.R. bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand) with surety in the like amount.

(III) The applicant shall appear before the investigating officer, as and when required for the investigating purpose.

(IV) The applicant shall not tamper with the prosecution evidence.

(R.G. AVACHAT, J.)

SSD