

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 643 OF 2023

Sachin Rajaram Iriche

Applicant

Versus

The State of Maharashtra

Respondent

Mr. N. T. Tribhuwan, Advocate for the applicant.

Mr. S. N. Morampalle, APP for the State.

CORAM : R. M. JOSHI, J.

DATE : 5th JULY, 2023.

PER COURT :

1. Applicant apprehends arrest in connection with Crime No. 117/2023 registered with Tuljapur Police Station, Dist. Osmanabad for the offences punishable under Sections 406, 409, 420 of the Indian Penal Code.

2. Branch Manager of Maharashtra Gramin Bank, Tuljapur Branch, gave report to the police by stating that the present applicant was working as Branch Manager of the said branch from 10th July, 2017 to 5th June, 2020. It is alleged that during this period he has misappropriated funds of the bank. This was revealed from two different audit reports. It is alleged that the applicant has mis-

appropriated sum of more than Rs. 20 Lacs. On the basis of this, applicant apprehends arrest.

3. Learned counsel for the applicant states that the present offence is registered against the applicant after lapse of period of three years. It is contended that as per order dated 27th April, 2023, the applicant has deposited sum of Rs. 10,00,000/-.

4. Learned APP opposed the application. However, when specific query was put to him as to on how many occasions the Investigating Officer has called upon the application to remain present before him, learned APP, on instructions from Investigating Officer, states that since he did not have knowledge of the order, he did not call applicant for interrogation. When query was raised to learned APP as to whether the order passed by this Court was communicated to the concerned police station, he placed on record documentary evidence to that effect.

5. Perusal of the First Information Report shows that there are no specific allegations made against the present applicant as to in what manner alleged mis-appropriation is done by him. There is no

dispute about the fact that all documents are with the Investigating Officer and nothing is to be recovered at the instance of the present applicant. It is shocking state of affairs that inspite of knowledge of the order passed by this Court granting interim bail and calling upon the applicant to attended the concerned police station as and when called by the Investigating Officer, the Investigating Officer does not find it necessary to call upon the applicant for interrogation. It is thus clear that the Investigating Officer has no interest in seeking custodial interrogation of the applicant. This ground itself would be sufficient to allow the application. Hence, application is allowed in terms of the interim order.

(R. M. JOSHI)
Judge

dyb