

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 717 OF 2023

Yogesh Balasaheb Pawar

Applicant

Versus

The State of Maharashtra & another

Respondents

Mr. S. J. Salunke, Advocate for the applicant.

Mrs. G. L. Deshpande, APP for the State.

CORAM : R. M. JOSHI, J.

DATE : 5th JULY, 2023.

PER COURT :

1. Applicant apprehends arrest in connection with Crime No 224/2023 registered with Sangamner (City) Police Station, Dist. Ahmednagar, for the offence punishable under Sections 420, 406 read with Section 34 of the Indian Penal Code.

2. The Branch Manager of Nasik Merchants Co-operative Bank Ltd. Nasik gave a report to the police about Branch Sangamner that a number of transactions were revealed wherein the loan was obtained by borrowers by giving bogus gold ornaments. In this connection, offence came to be registered against the then Branch

Manager, valuer and the borrower. Present applicant is the then Branch Manager of the said bank.

3. Learned counsel for the applicant states that the rules prescribed by the bank do not indicate the responsibility of the present applicant as Branch Manager for ascertaining the genuineness of the gold pledged. He further states that he is already facing Departmental Enquiry in respect of the charge for misconduct. According to him, it was the duty of the valuer to ascertain the correctness or genuineness of the gold ornaments which are pledged with the bank. On the basis of such valuation report, it was open for the Manager to grant and disburse the loan. It is further argued that co-accused/valuer has committed similar offence in other Banks and hence it cannot be held that applicant is his accomplice.

5. Learned APP after going through the investigation papers makes a statement that prior to the appointment of the applicant to the concerned branch, no such incident had occurred nor after his suspension any such incident is reported. It is contended that there are about 134 cases reported during tenure of present applicant and

in order to unearth the truth, custodial interrogation of applicant is must.

6. Even if it is accepted for sake of arguments that there is no rule stating that the Branch Manager is responsible for ascertaining the genuineness of the gold ornaments pledged with the bank, it is pertinent to note that there are 134 cases of pledging spurious gold with the bank and all these transactions have taken place during the tenure of the present applicant only. This fact cannot be ignored by taking it as coincidence. Having regard to the manner of commission of crime and involvement of huge amount of misappropriation of public money, it is a fit case wherein the investigating agency must be granted an opportunity to find out the nexus between valuer and the present applicant, if any. This is not case where there is absolutely no reason to infer involvement of applicant in this crime.

7. Learned counsel for the applicant states that since applicant was protected by interim order the same be continued for a period of three weeks.

8. Learned APP opposed the said request.

9. Order of interim relief was obviously passed without going through record and investigation papers. This Court, after going through record has recorded finding to the effect that involvement of the applicant is seen in the serious crime. Having regard to the nature of offence and as it involves public money, this Court finds no reason to extend the interim order any further. Hence, request stands rejected.

(R. M. JOSHI)
Judge

dyb

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 771 OF 2023

Jagdish s/o Laxman Shahane

Applicant

Versus

The State of Maharashtra

Respondent

Mr. R. V. Gore, Advocate for the applicant.

Mrs. G. L. Deshpande, APP for the State.

CORAM : R. M. JOSHI, J.

DATE : 5th JULY, 2023.

PER COURT :

1. When this Court expressed its disinclination to grant relief, learned counsel for the applicant, on instructions, seeks leave to withdraw the application.

2. Application stands dismissed as withdrawn.

(R. M. JOSHI)
Judge

dyb