

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.1155 OF 2023

AVINASH BHIMRAO CHAVAN
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. V. B. Jadhav
APP for Respondents: Mr. V. S. Badakh

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CORAM : R.M. JOSHI, J
DATE : NOVEMBER 07, 2023

PER COURT :

1. Applicant apprehends arrest in connection with Crime No. 225 of 2023 registered with Anandnagar Police Station, Dist. Osmanabad for the offences punishable under Sections 406, 420 read with Section 34 of the Indian Penal Code.

2. The gist of the FIR is that certain misappropriation of funds were revealed during the course of audit of the bank. It is alleged against present Applicant that he has withdrawn a sum of Rs. 2,60,000/- further with its deposit with HDFC Bank. However, the said amount was not deposited and voucher of the said transaction is misplaced. It is alleged that on 01.11.2021 sum of Rs. 30,000/- was transferred

by Applicant in his own account.

3. Learned Counsel for the Applicant submits that Applicant in fact has explained all the entries in the audit report. It is his submission that allegation in respect of the transaction of 01.07.2021 is not correct in view of the fact that the voucher in respect of the said transaction indicates that it was not the Applicant who has withdrawn the said amount but it is done by some other person. Similarly, he explained that Rs. 30,000/- is towards advance obtained by him during the course of his employment.

4. Learned APP opposed the application essentially relying upon the certain entries in the account statement of the Applicant indicating the deposit of money into his account other than the transactions referred in the FIR.

In response thereof, learned Counsel for the Applicant submits that those entries are already explained and hence, they are not included in the FIR.

5. *Prima facie* perusal of the record indicates

that the Applicant cannot be held responsible for the non deposit of the amount of Rs. 2,60,000/- on 01.11.2021 has apparently the said voucher is not signed by him. Similarly, there is plausible explanation given by the Applicant about the entry of Rs. 30,000/-. As far as one entry referred by learned APP of Rs. 1,30,000/- dated 01.11.2021 is concerned, bank statement placed on record of Applicant does not reflect the said entry.

6. Having regard to these facts, liberty of the Applicant is protected by confirming interim order dated 18th July, 2023.

(R. M. JOSHI, J.)

Malani