



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (ABA) NO.351 OF 2023

Shrikant s/o Manohar Ramteke

Vs.

State of Maharashtra, Through Police Station Officer, Police Station, Mulchera,
District Gadchiroli

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. A. C. Jaltare, Advocate for applicants.

Mrs. Deepa Charlewar, APP for respondent/State.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 04/12/2023

1. The applicant is apprehending arrest at the hands of the Police and, therefore, he approached to this Court to grant anticipatory bail in connection with Crime No.19/2021 registered with Police Station Mulchera, District Gadchiroli for the offences punishable under Sections 409 and 420 of the Indian Penal Code, 1860.

2. The accusation against the present applicant is that he was serving as a Branch Manager in the Vidarbha Kokan Gramin Bank Ltd., and during his tenure, he has misappropriated the funds to the tune of Rs.12,45,098/-.

3. Learned Counsel Mr. A. C. Jaltare, for the applicant submitted that the departmental enquiry is conducted against the present applicant and enquiry report is also placed before this Court, which shows that the allegation against the present applicant is that he has misappropriated the amount of Rs.10.23 Lakhs. Learned

Counsel Mr. Jaltare further submitted that the applicant has now deposited the entire amount. Now, his custodial interrogation is not required, as amount is deposited by him before this Court. It is further submitted that after releasing the present applicant on interim anticipatory bail, he has cooperated the investigating agency. In view of that, the interim anticipatory bail granted to him be confirmed.

4. The learned APP Mrs. Deepa Charlewar strongly opposed the application on the ground that the audit report of the bank shows that the applicant has misappropriated the amount. His custodial interrogation is required for the interrogation purpose and prays for rejection of the application.

5. Having heard the learned Counsel for the applicant and learned APP for the State. Perused the investigation papers. There is no dispute that the present applicant has deposited the amount of Rs.10.23 lakhs before this Court, as committed by him. As far as the recovery of the amount part is concerned, the amount is already lying in the Registry of this Court. The only objection raised by the State is that the custodial interrogation of the applicant is required for the interrogation purpose. It reveals from the record that after the applicant was released on bail, he has cooperated with the investigating agency and not contravened the terms and conditions of the bail. Now, the investigation is practically completed. Charge sheet

is also filed. Admittedly, the public money is involved in the present crime, however, the said money is already secured as applicant has deposited the amount. Now, investigation is completed, charge sheet is also filed. No purpose will be served by keeping the applicant behind bar. In view of that, the interim protection granted to the present applicant deserves to be confirmed. Accordingly, I proceed to pass following order.

ORDER

- a) The application is allowed.
- b) In the event of the arrest of the applicant **Shrikant s/o Manohar Ramteke** be released on anticipatory bail in connection with Crime No.19/2021, registered with Police Station Mulchera, District Gadchiroli for the offences punishable under Sections 420 and 409 of the Indian Penal Code, 1860 on executing P.R. Bond in the sum of Rs.25,000/- with one solvent surety of the like amount.
- c) The applicant shall not directly or indirectly make any inducement, threat or promise to any witness acquainted with the facts of the case.
- d) The applicant shall furnish his cell phone number and address with address proof.

The application is disposed of.

(URMILA JOSHI-PHALKE, J.)