

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CRIMINAL APPLICATION (ABA) NO.379 OF 2023
(Bibichand Wasram Rathod Vs. The State of Maharashtra)

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri Vivek Awchat, Advocate for the applicant.
Shri S.M. Ghodeswar, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- JULY 11, 2023.

Heard.

2. By this application, the applicant is seeking anticipatory bail in the event of arrest in connection with Crime No.108/2023 registered at police station Mahagon, District Yavatmal for the offence punishable under Sections 409, 420, 468, 471, 472 read with Section 34 of the Indian Penal Code.

3. The applicant is serving as a Clerk on a contract basis in Yavatmal District Central Cooperative Bank informant namely Ravindra Ruprao Mahanur Branch Manager lodged a report alleging that under the Hiwra Branch jurisdiction Hiwra Gramin Vividh Karyakari Sanstha are established wherein the illegalities and irregularities are observed by the Auditor in the audit report while sanctioning the loan amount. On the basis of said audit report, it reveals that the employees of the bank along with other co-accused committed misappropriation of Rs.1,87,67,182/-. On the basis of said report, police

have registered the crime against the present applicant and other co-accused. As per the contention of the present applicant that he was working as a Clerk on a contract basis. He was not assigned with the work of sanctioning the loan, so he is not concerned with the alleged offence. Merely on suspicion, the crime is registered against him. His custodial interrogation is not required. He is not the beneficiary of the misappropriation amount. Considering his role, he be protected by granting anticipatory bail.

4. Said application is strongly opposed by the State on the ground that the applicant was serving as a Clerk on contract basis in the said Hiwra branch. He was not assigned with the work of either sanctioning the loan or preparing the loan documents. He is not the beneficiary also, and therefore, considering his role, he be released on anticipatory bail.

5. Said application is strongly opposed by the State on the ground that there is *prima facie* material against the present applicant which shows that the present applicant has sanctioned the loan and transferred it to the accounts of some agriculturist. The statements of the agriculturist shows that present applicant approached to them and asked them to sign the withdrawal slip and he has withdrawn the said amount. Thus, there is a *prime facie* material against the present applicant to connect him with the alleged offence. His custodial interrogation is required and hence his prayer for bail deserves to be

rejected.

6. Heard learned Counsel for the applicant. He reiterated the contention and submitted that absolutely there is no material against the present applicant to show that in any way he is concerned with the alleged offence. The Vividh Karyakari Sanstha and Branch Manager, Branch Inspector and Recovery Officer are the persons who deal with the loan files. The applicant is falsely implicated in the alleged offence. His custodial interrogation is not at all required, therefore he be protected by granting anticipatory bail.

7. Learned Additional Public Prosecutor invited my attention towards various statements and submitted that the applicant is the person who has transferred some amount in the account of the agriculturist and obtained their signatures on the withdrawal slip and withdrawn the said amount. Thus, he is beneficiary of the said misappropriation amount. Hence bail application deserves to be rejected.

8. Having heard both the sides. It reveals from the recitals of the FIR that the Government has scheme for disbursing the crop loan to the agriculturist, therefore, the applications from the agriculturist are called. While sanctioning the loan, the office bearers of the Hiwra branch has committed the misappropriation by preparing the false and forged loan papers and showing that loan amount is disbursed to some of the agriculturist. It

reveals that the misappropriation is worth of Rs.1,87,67,182/-. During investigation, the Investigating Officer has recorded the statement of Kailash Gulab Rathod, Pandurang Shravan Munde, Arvind Sheshrao Rathod, Sudam Jaggu Rathod etc. From their statements it reveals that the present applicant approached to them and asked the signatures on the withdrawal slip and withdrawn the amount. The some of the statement shows that the present applicant has withdrawn the amount which was deposited in their account. Thus, there is a direct evidence against the present applicant to show that he is the beneficiary of the said misappropriated amount.

9. Considering the role of the present applicant, his custodial interrogation is required. Moreover, the public money worth of Rs.1,87,67,182/- is involved in the said misappropriation. Considering the prima facie material against the present applicant, his bail application for anticipatory bail deserves to be rejected.

10 Accordingly, the application is rejected.

11. The other co-accused Nos.3 and 9 are already released on bail.

(URMILA JOSHI-PHALKE, J.)