

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

CRIMINAL APPLICATION (ABA) NO. 914 OF 2022

Pradip s/o mahadeorao Shende vs. The State of Maharashtra

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr. Hitesh Biherani, Advocate for applicant.
Mr. V. A. Thakre, APP for respondent State.

CORAM : BHARATI DANGRE J.

DATE : 23/01/2023

Heard learned counsel for the applicant
and learned APP for respondent State.

2. The applicant is facing accusation for an offence punishable under Sections 406, 420, 468, 471 read with Section 34 of the Indian Penal Code in Crime No.328/2022, registered with Police Station, Achalpur, District Amravati (Rural) on 15/11/2022.

3. On perusal of the FIR, it is revealed that the in-charge Executive officer of the Amravati Zilla Mahila Sahakari Bank Ltd. lodged a report to the concerned Police Station alleging that the applicant was working as Branch Manager from 28/05/2009 to 07/06/2021. The complaint was received from the

bank that during the said period, it was revealed that there is a defalcation of an amount of Rs.27,30,098/-. Pursuant thereto an audit was directed to be conducted and the audit report specified that the aforesaid amount was defalcated by nullifying the accounts of six account holders(borrowers) and giving 'no due certificate' to the said borrowers. The audit report has clearly pointed out to the said defalcation and that is the basis of the complaint which is lodged in respect of which the applicant is apprehending arrest.

4. Considering the fact that audit report has clearly specified that the amount of defalcation is to the tune of Rs.27,30,098/- and this is the amount due and payable from the six borrowers, whose accounts have been treated as closed by issuing them 'no due certificate' and since the applicant was in helm of the affairs as a Branch Manager for a considerable long period of time for more than one decade, in the peculiar circumstances, it is very much necessary to have his custodial interrogation.

5. Therefore, application is rejected.

6. Needless to state that the observations made above are *prima facie* in nature and shall not

influence the same by the concerned court while trying the accused on the said offences.

[BHARTI DANGRE J.]