



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

933 BAIL APPLICATION NO. 768 OF 2024

Avinash Lahu Salve

VERSUS

The State of Maharashtra and another

...

WITH

BAIL APPLICATION NO. 703 OF 2024

Dnyaneshwar Radhaji Surwase

VERSUS

The State of Maharashtra and another

...

Advocate for Applicant : Mr. Salunke Sudarshan J.

APPs for Respondents: Mrs. Pratibha J. Bharad and Mrs. Deepali S. Jape

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CORAM : SANJAY A. DESHMUKH, J.
DATED : 7th MAY, 2024.

PER COURT :-

1. The applicants are seeking bail under section 439 of the Criminal Procedure Code, 1973 (for short, "Cr.P.C."). The applicants have been arrested in connection with crime No.15 of 2024 registered with Police Station, Sonpeth, Dist. Parbhani, for the offences punishable under sections 420, 409 and 34 of the Indian Penal Code. Their application for bail with similar prayer bearing Criminal M.A. Bail No. 43 of 2024 came to be rejected by the learned Additional Sessions Judge, Gangakhed, vide order dated 15.3.2024.

2. It is averred in the report that applicant – Avinash in Bail

Application no.768 of 2024 is a peon and applicant – Dnyaneshwar in bail application no.703 of 2024 is a clerk. The applicants and other accused along with other officers of Sonpeth Nagari Sahakari Bank Sonpeth, Tq. Sonpeth, Dist. Parbhani duped the amount of Rs.2,98,90,457/- and interest of Rs.29,07,802/- by misappropriating and fabricating some false documents. It is averred in the report that the applicants and other accused transferred some amount in their personal bank accounts. They fabricated some entries. Therefore, the applicants and other accused came to be arrested.

3. The learned advocate for the applicants submitted that the applicants are employees of the bank. Their role is limited. The Directors of the bank have not kept watch on the transactions of the bank. No any amount is seized at their instance. Practical investigation is over. The applicants' custody is not necessary. The applicants have roots in the society. They will not flee away from the trial. It is lastly prayed to allow the applications.

4. The learned APP for the respondent-State strongly opposed the applications and submitted that the investigation is in progress and same is not yet over. The applicants' involvement is prima facie establishing from the report and statements of the witnesses. The audit only for the year 2022-2023 is conducted and audit for earlier years is not conducted. It is lastly prayed to reject the applications considering huge amount duped by the applicants and

other co-accused.

5. Perused the papers of investigation. The applicants' names are mentioned in the report. They are admittedly employees of the bank. They have no criminal antecedents. Practical investigation is over. Custody of the applicants is not necessary. The applicants have roots in the society. They will not flee away from the trial. However, to consider the applications of the applicants and to show bonafide, the learned advocate for the applicants was directed to take instructions on behalf of the applicants as to whether they are ready to deposit some amount in the trial court. He submits that the applicant Avinash Lahu Salve in bail application No. 768 of 2024 is ready to deposit an amount of Rs.2,72,729/- and the applicant Dnyaneshwar Radhaji Surwase in bail application No. 703 of 2024 is ready to deposit an amount of Rs.1,46,766/-. Considering all these aspects, the applicants are entitled for bail on the principle that the bail is rule and jail is exception. The applications deserve to be allowed on certain conditions. Hence, the following order.

O R D E R

- I. Applications are allowed.
- II. The applicants in connection with crime No.15 of 2024 registered with Police Station, Sonpeth, Dist. Parbhani, for the offences punishable under sections 420, 409 and 34 of the

Indian Penal Code be released on bail, on depositing the amount of Rs.2,72,729/- by the applicant Avinash Lahu Salve in bail application No. 768 of 2024 and amount of Rs.1,46,766/- by the applicant Dnyaneshwar Radhaji Surwase in bail application No. 703 of 2024, before the Judicial Magistrate, First Class, Sonpeth, on furnishing personal bond of Rs.50,000/- each with one surety of the like amount by each of them on following conditions:-

- a) The applicants shall not pressurize the prosecution witnesses and shall not tamper with the prosecution evidence in any manner.
- b) The applicants shall attend the trial regularly.

III. If any breach of the above conditions is noticed by the trial Court, the trial Court is at liberty to cancel the bail granted to these applicants without further reference to this Court.

IV. The amount of Rs.2,72,729/- deposited by the applicant Avinash Lahu Salve in bail application No. 768 of 2024 and the amount of Rs.1,46,766/- deposited by the applicant Dnyaneshwar Radhaji Surwase in bail application No. 703 of 2024, be kept in fixed deposit in any Nationalized Bank and the trial Court upon deciding case on merits shall decide to whom that amount is to be paid.

V. Bail be submitted before the learned Judicial Magistrate, First Class, Sonpeth.

(SANJAY A. DESHMUKH, J.)