2024:BHC-AUG:18653

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 841 OF 2024
WITH CRIMINAL APPLICATION NO. 2676 OF 2024
IN BA/841/2024

Ramrao Nathuji Khillari
VERSUS
The State Of Maharashtra

Mr. Y. R. Barhate, Advocate for the applicant
Mr. S. P. Sonpawale, APP for the respondent/State
Mr. S. A. Deshmukh, Advocate for the informant.

CORAM : S. G. MEHARE, J.
DATE : 19th AUGUST, 2024

PER COURT :-

1. Heard the learned counsel for the applicant, learned A.P.P. for the respondent/State and learned counsel for the informant who assist the APP.

2. The applicant seeks bail in C.R. 0219/2023 registered with Basamba Police Station, District Hingoli for the offences punishable under Sections 420, 406, 409, 468 r/w 34 of the Indian Penal Code.

3. It is alleged against the applicant that when the applicant was the manager of the Bank at Hingoli he had misappropriated the huge amount. In the first audit report it was

found that applicant had misappropriated the amount of Rs.74,09,150/- However, he deposited that money. Again the detailed audit was done, in which it was found that the applicant has misappropriated more amount. It is also alleged that fixed deposits receipts were forged and the bank was put to the loss.

4. The learned counsel for the applicant submits that in the first information report it is alleged that the another co-accused has committed crime and not the applicant. He was just a Branch Manager. He was to act upon the directions of the elected body of the bank. He was not the beneficiary of the so called misappropriated amount. However, to show his bonafide he deposited a huge amount of Rs.74,09,150/-. He has been arrested on 21st March, 2024. The investigation has been completed. His custodial interrogation is not necessary. He was not accused to the first charge-sheet. He added as an accused in the supplementary charge-sheet. Nothing is to be record from him. Since he is not resident of Hingoli, there are no chances of interference with the investigation. Hence, bail may be granted.

5. Learned APP and learned counsel for the informant has vehemently argued that it’s a huge misappropriation of the public fund. It was a systematic fraud played with the bank. Still

huge amount needs to be recovered from the applicant. He has played an active role in committing the crime. Hence, he may not be granted bail.

6. It appears that after the first audit, liability was fixed upon the applicant so he deposited with the bank. Thereafter in another audit more liability was imposed upon him. The first information report was not against him, he was added an accused by way of supplementary charge-sheet. The material investigation has been completed against him. He bonafide complied with the liability fixed upon him in the earlier audit report. The trial may take its time to conclude. The Court can't ensure the recovery of the defrauded amount. The complainant may have another legal remedies for the recovery of the amount. After going through the papers this Court is of the view that his detention would serve no purpose. Hence deserves bail. Hence the order.

ORDER

i) The application is allowed.

ii) Applicant – Ramrao Nathuji Khillari be released on bail, on furnishing PB and SB of Rs.50,000/-, with one solvent surety of the like amount, in the above crime for the aforesaid offences, on the conditions that,

(a) He should not tamper with the prosecution witnesses.

(b) He should not contact any witness till the trial is concluded.

(c) He should attend the trial on each and every date.

iii) Criminal Application is allowed.

(S. G. MEHARE, J.)

ssp