2024:BHC-AUG:24831

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

966 BAIL APPLICATION NO. 1262 OF 2024

NAMDEO S/O DADARAO KACHKURE
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. Tope Sambhaji Subhashrao.
APP for Respondent-State : Mr. S. P. Sonpawale.

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CORAM : S. G. MEHARE, J.
DATE : 10.10.2024

PER COURT :-

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

2. The applicant seeks bail in Crime No.261 of 2023, registered with Vedantnagar Police Station, District Aurangabad, for the offences punishable under Sections 120-B, 406, 409, 420, 467, 468, 471 read with Section 34 of the IPC.

3. The prosecution has a case against the applicant that he was the Deputy Manager of Adarsh Mahila Nagari Sahakari Bank Ltd., Aurangabad. The loan of rupees One Crore was granted in the name of his wife from the same bank where he was the Deputy Manager. The signatures on the papers were forged. The applicant was the beneficiary of that loan.

4. Learned counsel for the applicant would submit that the applicant had no concern with that loan, as it was sanctioned in the name of his wife. He produced the bank statement and argued that only loan of Rs.50,00,000/- was transferred to the account of his wife and it was immediately transferred to the account of the main accused. So, he cannot be said to be the beneficiary or having concern with the alleged fraud. The trial may take its time. He being the employee was to work under the thumb of the Chairman of the Adarsh Group. He has been made a scapegoat. Therefore, he may be granted bail.

5. Learned APP would submit that the applicant was the Deputy Manager in the Urban Co-operative Bank from which the loan was sanctioned to his wife. So, it cannot be said that he had no knowledge about the said transaction. Probably, he might have been managing the bank account of his wife with the bank where he was serving. He was supposed to have a knowledge of it. The bank statement shows that huge amount of Rs.50,00,000/- was transferred to the bank account and on the next day it withdrawn from the bank. There is no account for it. He did not explain how that amount has been used for extending his electrical business. The said loan was sanctioned for the electrical business. However, the loan amount has been

transferred to the individual saving bank account of his wife. This is the apparent intention of the applicant to play fraud with the depositors. In most of the cases, the loans were sanctioned either to the family members of the Chairman or their firm or the close persons like applicant. *Prima facie* strong evidence is against the applicant. Hence, he may not be granted bail.

6. Perused the papers. The allegations have been levelled against the applicant as mentioned above. The case of the applicant that he had no concern with the said loan, as it was not sanctioned in the name of his wife Pushpa could not be believed at this juncture. The loan was sanctioned for a commercial purpose. However, instead of transferring that amount the account of the firm, it was transferred to the individual saving account of his wife. Withdrawing such a huge amount by cash is the another circumstance to believe the prosecution that, that money has been siphoned with the assistance of the applicant. The crime is recently registered. Though the charge sheet is filed the investigation is still going on.

7. Considering the role attributed to the applicant and the misuse of his position as a Deputy Manager of the Co-operative

Bank, the Court is of the view that this is not a fit case to grant him bail.

8. Hence, bail application stands dismissed.

(S. G. MEHARE, J.)

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vmk/-