



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

30. ANTICIPATORY BAIL APPLN NO. 1657 OF 2024

...
AVINASH LAHU SALAVE
VERSUS
THE STATE OF MAHARASHTRA & ANOTHER

...
Advocate for the applicant : Mr.S.J.Salunke
APP for the respondent-State : Mr.S.K.Shirse
...

CORAM : ARUN R. PEDNEKER, J.

DATE : 09.12.2024

P.C. :

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

2] The applicant is apprehending arrest in connection with Crime No. 177/2024, registered with Sonpeth Police Station, District Parbhani, for the offences punishable under Sections 420, 409, 34 of the IPC.

3] The learned counsel for the applicant submits that the allegations against the applicant is that the applicant has used ID to make transaction of Rs.7,65,360/- and the applicant along with N.P.Gaud, who is the Chief

Executive Officer, alleged to have misappropriated the fund of Rs.7,65,360/-. Mr. Balaji Ashok Yadav co-accused has re-deposited the amount of Rs.7,65,360/- in the bank account. As such, this Court, by order dated 25.11.2024 in Anticipatory Bail Application No.1097 of 2024, has granted anticipatory bail in favour of Balaji Ashok Yadav. The learned counsel for the applicant submits that the applicant is a Peon and the Chief Executive Officer has misused his position and the applicant is made scapegoat.

4] The learned APP points out that apart from the amount of Rs.7,65,330/- being misappropriated, the applicant, without taking prior permission of the Bank, has transferred an amount of Rs. 72,898/- from his provident fund account to his bank account and withdrawn it. However, *prima facie*, there is no loss to the Bank on account of the above withdrawal.

5] Considering the fact that Mr. Balaji Ashok Yadav, co-accused, has been granted bail after he had deposited Rs.7,65,360/- and also the fact that the present applicant is Peon and has worked under the direction of the Chief Executive Officer, the applicant is granted anticipatory bail. As regards withdrawal of the amount of Rs.72,898/- is concerned, the same is from his own provident fund and the Bank has *prima facie* not suffered any loss due to the same.

6] Considering the submissions of the learned counsel for the applicant and the learned APP, the application is allowed in the following terms :

i] In the event the applicant is arrested in connection with Crime No. 177/2024, registered with Sonpeth Police Station, District Parbhani, for the offences punishable under Sections 420, 409, 34 of the IPC, he shall be released on bail on furnishing PR bond of Rs.20,000/- with one or two sureties in the like amount to the satisfaction of the trial Court.

ii] The applicant shall attend the concerned police station as and when called by the Investigating Officer.

iii] The applicant shall not tamper with the evidence of the prosecution in any manner. He shall not influence the informant, witnesses and other persons concerned with the case.

iv] The applicant shall co-operate with the investigation and also in the proceedings before the trial Court.

7] In the event, the applicant violates any of the conditions specified in this order, it shall be liable to be cancelled.

8] It is also clarified that the observations made in this order are limited to the disposal of the present anticipatory bail application and the trial Court shall proceed further in the matter without being influenced by the observations made hereinabove.

8] The application stands disposed of.

[ARUN R. PEDNEKER]
JUDGE

DDC