# IN THE HIGH COURT OF JUDICATURE AT BOMBAY
# CRIMINAL APPELLATE JURISDICTION

## ANTICIPATORY BAIL APPLICATION NO. 2295 OF 2024

Balasaheb Narayan Sawant ...Applicant

**Versus**

The State of Maharashtra ...Respondent

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- Mr. Umesh H. Pawar, for Applicant.
- Mr. Mayur S. Sonavane, APP for Respondent.
- Mr. Prashant Pathare, Police Head Constable, Palus Police Station.



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**CORAM : MANISH PITALE, J.**

**DATE : 03rd SEPTEMBER, 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 First Information Report No.0129 of 2024, dated 29.06.2024, registered at Police Station Palus, for offences under Sections 408, 409 and 420 of the Indian Penal Code (IPC).

3. The informant in the present case is an accountant of a Cooperative Bank and he has caused the FIR to be registered against the applicant on the basis of facts that came to light upon audit of the Branch of which the applicant was the Branch Manager cum Cashier. It came to light that the applicant misappropriated amounts by diverting certain amounts

taken from individuals for paying their electricity bills. Certain amounts were diverted from the accounts of others into the account of the applicant. On the basis of such material the FIR came to be registered for the said offences.

4. The learned counsel for the applicant submits that the report on the basis of the which the FIR has been registered was available about one month prior to registration of the FIR. It is submitted that even before the FIR was actually registered, the applicant returned the entire alleged misappropriated amounts and therefore, this Court may consider granting protection to the applicant.

5. On the other hand, learned APP submitted that serious offences have been committed by the applicant, who was holding a responsible position of Branch Manager cum Cashier in the Cooperative Bank and in that light, this Court may not show any indulgence.

6. This Court is of the opinion that in the facts and circumstances of the present case, it cannot be said that the FIR is delayed. It also cannot be accepted that merely because the applicant, upon being caught, paid the entire alleged misappropriated amounts, can be ground for showing indulgence to the applicant. In fact, paying said amount itself indicates the admission of the applicant about involvement in such serious acts of misappropriation. It cannot be ignored that the applicant was working as Branch Manager cum

Cashier in a Cooperative Bank and he was expected to deal with the finances of the Bank and its customers with utmost integrity. Having *prima facie* indulged in such serious offences, it cannot lie in the mouth of the applicant that upon being caught when he has returned the amount, he should be granted protection by the Court. No case is made out for granting anticipatory bail. The application is dismissed.

(MANISH PITALE, J.)