

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

ANTICIPATORY BAIL APPLICATION NO.354 OF 2024

Vasant Pandurang Patil Applicant
Versus
The State of Maharashtra Respondent

Mr. Sanjeev Kadam, Advocate a/w. Vishal Patil, Dipti Patankar,
Prashant Raul for the Applicant.

Ms.Mahalakshmi Ganapathy, APP for the Respondent-State.

CORAM : SARANG V. KOTWAL, J.

DATE : 07th FEBRUARY, 2024

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.289/2023 registered at Jawhar Police Station, District-Palghar on 30.11.2023 under sections 420, 464, 465, 467, 468, 471, 472, 474 read with 34 of IPC.

2. Heard Mr. Sanjeev Kadam, learned counsel for the Applicant and Ms.Mahalakshmi Ganapathy, learned APP for the Respondent-State.

3. The FIR is lodged by one Yogesh Patil who was the Regional Manager, Jawhar working with Maharashtra Rajya

Sahakari Adivasi Vikas Mahamandal Maryadit. The main office of the said Mahamandal is at Nashik and the Regional Office is at Jawhar. The FIR mentions that the Government had implemented a Scheme for purchasing rice from the farmers at the minimum assured price. Thereafter rice was to be given to the rice mill owners for cleaning. For that purpose the rice mill owners were required to furnish the bank guarantees of a Nationalized or a Scheduled Bank. The bank guarantee was required to be valid till the final accounts were completed. The Regional Office was entrusted with that duty to verify the authenticity of the bank guarantees. The FIR mentions that for the season of 2022 to 2023 it was found that four to five mill owners had furnished forged bank guarantees. This fact was confirmed by the Wada Branch of the State Bank of India. The bank confirmed that those bank guarantees were forged. Therefore, this FIR is lodged. The allegations against the Applicant are that he was working at the said Regional Office as a Typist. On this basis, the FIR is lodged against the

Applicant and others who were working in that office as well as against the rice mill owners.

4. Learned counsel for the Applicant invited my attention to the hierarchy in the office and the separate duties allotted to all of them. He submitted that the Applicant was merely a Typist but there were other responsible officers. One of them was the Deputy Manager (Marketing) Shri Borole. It was his duty to get the bank guarantees, to keep accounts of the same and to get them extended from time to time. The Applicant's duty was to make entries in respect of those bank guarantees. He submitted that if the bank guarantees were forged then there was no way that the Applicant could have known that and in any case it was not part of his duty to verify the genuineness of the bank guarantees by making inquiries with the bank.

5. Learned APP produced the investigation papers before me. The investigation is mostly in respect of the fake nature of the bank guarantees and about various schemes under which the bank guarantees were taken. However, there

is no definite material showing the involvement of the present Applicant in the crime. The investigation carried out does not indicate as to how and in what manner the Applicant played any part in procuring those bank guarantees and submitting it in that office. Therefore, the allegations against the Applicant do not travel beyond the vague suspicion. In this view of the matter, the Applicant's custodial interrogation is not justified. He can be protected under Section 438 of Cr.P.C. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R.No.289/2023 registered at Jawhar Police Station, District-Palghar, the Applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- (ii) The Applicant shall cooperate with the investigation.
- (iii) Anticipatory Bail Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)

Deshmane (PS)

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DESHMANE

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