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

ANTICIPATORY BAIL APPLICATION NO. 1773 OF 2024

Ashok Jayram Saroj ... Applicant
Versus
The State of Maharashtra ... Respondent

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Mr. Nikhil Manohar Pujari for the Applicant.
Mr. Tanveer Khan, APP for Respondent-State.
PSI - Pramod D. Sorawar, Manmad City Police Station.

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CORAM: MANISH PITALE, J.
DATE : 12th JULY 2024

P.C. :

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

2. The applicant has approached this Court apprehending arrest in connection with FIR No. 0222 of 2024 dated 26th May 2024 registered at Manmad Police Station, Dist. Nashik, for offences 420, 406, 409, 467, 468, 471 and 120-B read with 34 of the Indian Penal Code, 1860 (IPC). The applicant is a Branch Manager of a Bank and he is arraigned as one of the eight accused persons concerning the said FIR.

3. The informant in respect of the said FIR is the local MLA, who approached the Police after a number of persons told him about the manner in which they had been duped as fake fixed

deposit receipts were issued from the Branch of which the applicant was a Branch Manager. According to the informant, after he carried out an informal enquiry, he found that all the accused persons, including the applicant were involved in duping innocent persons. On that basis, the said FIR was registered.

4. The learned counsel for the applicant submitted that prior to the aforesaid FIR, on 22nd May 2024 itself, the applicant as the Branch Manager of the said bank, caused FIR No. 0213 of 2024 dated 22nd May 2024 to be registered at the very same police station, for the offences under Sections 420, 406, 409, 467, 468 and 471 of the IPC against the accused Sandip Deshmukh. The aforesaid Sandip Deshmukh was a representative of an Insurance Company, who jointly operated with the bank and he was given an office space in the branch of the bank, of which the applicant was a Manager. The applicant, as the informant in the said FIR, brought to the notice of the Police that certain individuals had approached him alleging that the said Sandip Deshmukh had taken blank self cheques from them, on the pretext of assisting them in investing the amounts wisely in fixed deposits, so as to get maximum returns. Believing the word of the said Sandip Deshmukh, the said individuals had given him blank cheques, on the basis of which, Sandip Deshmukh issued fixed deposit receipts to them. Subsequently, when the individuals sought to encash the fixed deposit receipts, it came to light that they were fake documents and that the amounts given by the said individuals

were never invested in the fixed deposits.

5. It is the case of the applicant that the aforesaid accused Sandip Deshmukh was the person involved in duping the innocent individuals. Blank documents pertaining to fixed deposit receipts that were misplaced in the year 2020 were misused by the said Sandip Deshmukh to dupe innocent individuals. It was emphasized that the applicant joined as a Branch Manager of the said bank on 27th June 2022 and he had nothing to do with the said *modus operandi* of Sandip Deshmukh.

6. On the last occasion, this Court took into consideration the contentions raised by the learned APP, particularly an assertion made by the Investigating Officer in his say, where it was alleged that huge amounts have been deposited and withdrawn in the account of the applicant, which were suspicious, thereby indicating his involvement in the present case. This Court adjourned the hearing for four days to enable the applicant to file an additional affidavit, as it was asserted that the applicant had sufficient explanation regarding the said aspect of the matter. In that light, an additional affidavit along with documents was filed on behalf of the applicant. This Court has perused the same.

7. Despite the contents of the said affidavit, according to the learned APP, there is sufficient material against the applicant, including a statement by the person, who is now working as the Branch Manager after the applicant was suspended. It is alleged

that the applicant was party to the actions of the said Sandip Deshmukh and that cash amounts could not have been withdrawn on the basis of self cheques, without the active involvement of the applicant.

8. This Court has perused the contents of the application, the documents filed therewith, as also the additional affidavit filed along with further documents.

9. This Court is of the opinion that a *prima facie* case is made out by the applicant for granting interim relief, for the following reasons :

(a) The applicant himself caused FIR dated 22nd May 2024 to be registered against the accused Sandip Deshmukh, when certain individuals approached the applicant as the Branch Manager, with their grievance regarding fake fixed deposit receipts. The subject FIR was registered subsequently at the behest of the local MLA.

(b) The applicant in the additional affidavit has been able to explain the deposit and withdrawal of amounts from his bank account, specifically stating that the father of the applicant had received certain terminal benefits upon his retirement. The said amounts were transferred in the account of the applicant, as his father intended to buy some property at their native place. This Court has perused the copies of the bank account statements of the father of the applicant and those of the applicant annexed to the additional affidavit and the explanation *prima facie* appears to be acceptable.

(c) Even according to the Investigating Officer, the fake fixed deposit receipts appear to have been prepared on blank fixed deposit receipts, which were misplaced in the year 2020, while the applicant joined as Branch Manager in the aforesaid branch of the bank on 27th June 2022.

(d) The applicant has undertaken before this Court on the first date of hearing i.e. 8th July 2024 and even today that he is ready to co-operate with the investigation and he shall produce all the necessary documents that may be demanded by the Investigating Officer. It is an admitted position that as on today, the applicant is suspended from his position as the Branch Manager and hence, he would not be visiting the branch, thereby addressing the apprehension regarding the applicant interfering with the investigation or tampering with the evidence.

12. In view of the above, the following interim order is passed :

(a) Till the next date, in the event the applicant is arrested in connection with FIR No. 0222 of 2024 dated 26th May 2024 registered at Manmad Police Station, Dist. Nashik, he shall be released on bail on furnishing PR Bond of Rs.50,000/- and one or two sureties in the like amount.

(b) The applicant shall remain present before the Investigating Officer on 15th and 16th July 2024 between 10:00 a.m. and 12:00 noon and thereafter, as and when called by the Investigating Officer. The applicant shall co-operate with the investigation.

(c) 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.

13. In the event, the applicant violates any of the aforesaid conditions, the order passed today would be recalled.

14. List this application for further consideration on 6th August 2024 (High on Board).

MANISH PITALE, J.