IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 2003 OF 2024

Umesh Ravaji Bhange and another ... Applicants
vs.
The State of Maharashtra ... Respondent

Mr. Nikhil Manohar Pujari for applicants.

Mr. Prasanna P. Malshe, APP for respondent-State.

Mr. V. G. Avhad, PSI, Manmad City Police Station, District Nashik Rural.

CORAM : MANISH PITALE, J.
DATE : 13th AUGUST, 2024

P.C. :

. As per order dated 09.08.2024, the learned APP has kept the investigation papers ready.

2. The learned counsel appearing for the applicants is pressing for interim relief as the applicants apprehend arrest in connection with FIR No.0222 of 2024 dated 26.05.2024, registered at Manmad Police Station, District Nashik Rural for offences under Sections 420, 406, 409, 467, 468, 471 and 120-B read with Section 34 of the Indian Penal Code, 1860.

3. It is relevant to note that this Court has already granted interim relief in favour of the co-accused person Ashok Jayram Saroj, as per order dated 12.07.2024 passed in Anticipatory Bail Application No.1773 of 2024. The learned counsel for the applicants in the present case relies upon the said order.

4. The informant in respect of the subject 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 co-accused was a Branch Manager. According to the informant, after he carried out an informal enquiry, he found that all the accused persons, including the said co-accused person, were involved in duping innocent persons. On that basis, the said FIR was registered.

5. The learned counsel for the applicants submitted that even prior to the subject FIR being registered, the co-accused person Ashok Jayram Saroj had caused FIR to be registered on 22.05.2024, bearing No.0213 of 2024 in the very same police station. The said co-accused person being the Branch Manager of the concerned Bank, caused the FIR to be registered, when some of the account holders of the said Bank raised a grievance that certain fixed deposits (FDs) in which they had invested, could not be encashed, as they were found to be fake. It is submitted that the applicant No.1 herein is the Deputy Manager of the said Bank and the applicant No.2 works as Single Window Operator-A in the said Branch of the Bank.

6. It is submitted that the tenor of grievances of the account holders of the said Bank pertains to the fake FDs being prepared and given to them. All the allegations surround the co-accused Sandip Deshmukh, who can be said to be the main accused person as he was the person, who induced the victims into depositing amounts with him or issuance of such FDs. It is the case of the applicants that they cannot be said to be involved in duping the victims. It is emphasized that the applicant No.1 joined the aforesaid Branch of the Bank on 05.07.2021 and the applicant No.2 joined on 01.09.2022,

while the fake FDs that were used to dupe the victims, were found to be prepared on blank FD receipts that were missing since the year 2020. It is submitted that the allegations pertained to the main co-accused person Sandip Deshmukh, who is already behind bars and since the applicants are ready to co-operate with the investigation, this Court may consider granting relief to the present applicants.

7. On the other hand, the learned APP relied upon the investigation papers produced before this Court. He also relied upon the statements of certain witnesses.

8. In the first place, the investigation papers produced before this Court are related to FIR No.0213 dated 22.05.2024 registered at the behest of the Branch Manager, who is the co-accused person Ashok Jayram Saroj in the present FIR. Be that as it may, the statements of witnesses upon which the learned APP has placed reliance, show that the thrust of the allegations of the victims/witnesses is against the co-accused Sandip Deshmukh. It is only towards the end of the statements that they have generally stated the fact that the co-accused Ashok Jayram Saroj was the Branch Manager, while applicant No.1 was the Deputy Manager and applicant No.2 was working in the same Branch of the Bank. Specific overt act of misappropriation and inducement is not alleged against the applicants before this Court. *Prima facie*, the applicants appear to be similarly placed like the Branch Manager Ashok Jayram Saroj, who is already granted interim relief as per order dated 12.07.2024.

9. This Court is informed that the anticipatory bail application of Ashok Jayram Saroj is now slated to be listed before this Court on 20.08.2024. In

that light, it would be appropriate that the present application is also listed and tagged alongwith the said application.

10. For the reasons stated hereinabove, the applicants have made out a case in their favour for granting interim order.

11. In view of the above, there shall be interim relief in the following terms:

(a) Till the next date, in the event the applicants are arrested in connection with FIR No.0222 of 2024 dated 26.05.2024, registered at Manmad Police Station, District Nashik Rural, they shall be released on bail on furnishing P.R. Bonds of ₹ 50,000/- each and one or two sureties in the like amount to the satisfaction of the trial court;

(b) the applicants shall appear before the investigating officer on 16.08.2024 and 17.08.2024 between 10:00 a.m. and 12:00 noon and thereafter as and when required by the investigating officer;

(c) the applicants shall not influence the informant, witness or any person concerned with the case and they shall not tamper with the evidence.

12. Needless to say, violation of any of the aforesaid conditions may result in this order being cancelled.

13. List for further consideration on 20.08.2024, to be tagged alongwith Anticipatory Bail Application No. 1773 of 2024.

(MANISH PITALE, J)

PRIYA KAMBLI Digitally signed by PRIYA KAMBLI Date: 2024.08.13 17:52:03 +0530

Priya Kambli