

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

ANTICIPATORY BAIL APPLICATION NO. 2409 OF 2024

Swapnil Bhausahab Gawali

...Applicant

Versus

The State of Maharashtra

...Respondent

SHRIKANT
SHRINIVAS
MALANI

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SHRIKANT
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- Mr. Nikhil Manohar Pujari, for Applicant.
- Ms. Megha S. Bajoria, APP for Respondent.

CORAM: MANISH PITALE, J.

DATE : 10th SEPTEMBER, 2024.

P. C. :

1. Heard, Mr. Pujari, learned counsel for the applicant and Ms. Bajoria, learned APP for respondent – State.

2. At the outset, it is pointed out that this Court has already granted interim relief in anticipatory bail applications filed by three accused persons, all of whom are employees of the concerned bank. It is submitted that the applicant in this application was working as the Cashier and the only role attributed to him is that bearer cheques given by the innocent bank account holders to the main co-accused Sandip Deshmukh were processed by the applicant as the Cashier.

3. The applicant is apprehending arrest in connection with First Information Report No.0222 of a2024, 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 (IPC).

4. It is to be noted that the subject FIR was registered at the behest of the local MLA, who approached the police when a number of persons found that fake fixed deposit receipts had been handed over to them and that they had lost considerable amount of money due to the fraud that occurred in the branch of the concerned bank. Prior to registration of the subject FIR, the co-accused Ashok Jayram Saroj, who was the Branch Manager, had already caused registration of the FIR No.0213 of 2024 with respect to the said fraud in which the said Sandip Deshmukh was arraigned as an accused.

5. The learned counsel for the applicant relies upon the interim orders passed by this Court on 12.07.2024 in Anticipatory Bail Application No.1773 of 2024 (Ashok Jayram Saroj Vs. The State of Maharashtra) and 13.08.2024 passed in Anticipatory Bail Application No.2003 of 2024 (Umesh Ravaji Bhangе and another Vs. The State of Maharashtra), to contend that this Court may consider granting interim relief to the present applicant also, so that all the applications of the accused persons could be heard together.

6. The learned APP has opposed the said prayer, contending that the statement of co-accused Sandip Deshmukh clearly brings out the

involvement of the applicant in the present application.

7. This Court is of the opinion, that at present, other than the statement of the co-accused Sandip Deshmukh, there does not appear to be any material to link the applicant with the actual *modus operandi* undertaken in the present case, which resulted in innocent customers of the bank being defrauded. The applicant is ready to cooperate with the investigation and considering the reasons stated in the aforesaid interim orders passed in favour of the co-accused persons, who are also employees of the same branch of the bank, this Court is inclined to grant interim relief to the applicant.

8. In view of the above, there shall be interim order in the following terms :

(A) Till the next date, in the event the applicant is arrested in connection with FIR No.0222 of 2024, dated 26.05.2024, registered at Manman Police Station, District Nashik Rural, he shall be released on bail on furnishing P.R. Bond of ₹ 50,000/- and one or two sureties in the like amount, to the satisfaction of the Trial Court.

(B) The applicant shall appear before the Investigating Officer on 12.09.2024 and 13.09.2024 between 10:00 a.m and 12:00 noon and thereafter as and when required by the

Investigating Officer.

- (C) The applicant shall not influence the informant, witnesses or any persons concerned with the case and he shall not tamper with the evidence.

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

10. This Court is informed that the aforementioned applications of co-accused persons are listed on 20.09.2024. Hence, list this application for further consideration on **20.09.2024**, to be tagged alongwith Anticipatory Bail Application Nos.1773 of 2024 and 2003 of 2024.

(MANISH PITALE, J.)