IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 2688 OF 2024

Tukaram Bhujang Kamble … Applicant

vs.

The State of Maharashtra … Respondent

Mr. Shrikant R. Gadade for applicant.

Mr. Kiran C. Shinde, APP for respondent-State.

Mr. Hanumant Laxman Suryawanshi, I.O., Alibaug Police Station, District Raigad.

CORAM : MANISH PITALE, J.
DATE : 04th OCTOBER, 2024

P.C. :

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

2. The applicant has approached this Court as he apprehends arrest in connection with FIR No.0168 of 2024 dated 09.08.2024, registered at Alibaug Police Station, District Raigad for offences under Sections 409, 417 and 420 read with Section 34 of the Indian Penal Code, 1860.

3. The FIR in the present case is registered at the behest of an employee of the bank, where the applicant was working as a branch manager. It is alleged that the applicant, in connivance with the co-accused persons, duped the account holders of the bank itself, by convincing such account holders to take subsequent loan to repay the earlier loan, by handing over cash amounts to the applicant. It is alleged that certain receipts were also issued

PRIYA KAMBLI Digitally signed by PRIYA KAMBLI Date: 2024.10.05 10:21:41 +0530

to such account holders, who believed that their earlier loan accounts would become nil by handing over cash amounts to the applicant. Such amounts were misappropriated by the accused persons, including the applicant, as a consequence of which, not only were the account holders duped, but the bank also suffered loss. In that light, the aforementioned serious offences have been registered against the applicant.

4. The learned counsel for the applicant submitted that the audit report ought to have been taken into consideration, which does not refer to any such irregularity in the affairs of the bank. It is submitted that other than the statements of the aforesaid account holders regarding cash payments made to the applicant, there is no other material to implicate the applicant. It is submitted that the applicant is ready to co-operate with the investigation and therefore, relief may be granted.

5. The learned APP has vehemently opposed the present application. He submitted that there is enough material to show the involvement of the applicant in such a serious matter. Despite being the branch manager, he has duped the account holders and caused financial loss to the bank. Reference is made to statements of such account holders.

6. This Court has perused the aforesaid statements of the account holders as also the statement of the informant leading to registration of the FIR. The *modus operandi* has been clearly stated in the FIR, which is corroborated by the statements of such account holders recorded during the course of investigation. The account holders have specifically stated as to the manner in which the applicant convinced them to hand over the cash amounts for closing their initial loan accounts. It is matter of record that the said loan

accounts could never be closed and they remained outstanding, because of the fact that the applicant alongwith the co-accused persons, misappropriated the cash given by the account holders. The applicant being the branch manager and custodian of funds of the bank, *prima facie* has committed serious offences and no indulgence can be shown to such an applicant.

7. The application is dismissed.

(MANISH PITALE, J)

Priya Kambli