IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 3106 OF 2024

Abdullatif Amiroddin Mujawar ...Applicant

Versus

The State of Maharashtra ...Respondent

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- Mr. Ritesh Thobde (Through V.C.) a/w Ms. Ankita Rai and Ms. Lubi Ansari, for Applicant.
- Mr. Kiran C. Shinde, APP for Respondent.
- Ms. S.K. Bankar, Police Naik, Mangalwedha Police Station.

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CORAM : MANISH PITALE, J.

DATE : 22nd NOVEMBER, 2024.

P. C. :

1. Heard, Mr. Thobde, learned counsel for the applicant and Mr. Shinde, learned APP for the respondent – State.

2. The applicant is apprehending arrest in connection with First Information Report No.0621 of 2024, dated 20th August, 2024, registered at Police Station Sangola, District Solapur, for offences under Sections 409 and 420 of the Indian Penal Code, 1860 (IPC).

3. The informant in the present case is a Police Sub Inspector and his statement shows that the allegation against the applicant is that when he was working as a *Nagadi Karkoon* (Cashier) and Muddemal Clerk at the aforesaid police station, cash amounts concerning offences registered against accused persons under Gambling Act were deposited with the applicant as the

Muddemal Clerk. The said amounts was supposed to be deposited in the Bank by properly following the procedure and generating challans. Verification of the record demonstrated that between the period 2016 to 2020, when the applicant was working in the said police station on the aforesaid post, such amounts were not deposited in the Bank and even challans were missing.

4. The learned counsel for the applicant submits that this could be a case, which could be sorted out by proper verification of the records, as the applicant himself could find at least 2 challans, copies of which are produced at Exhibit “C”, to show that amounts were deposited in the bank. It is further submitted that, at worst, it could be said that there was dereliction of duty on the part of the applicant as challans were not generated in the context of the aforesaid amounts deposited with the applicant as the Muddemal Clerk. It is submitted that therefore, this court may show indulgence.

5. On the other hand, the learned APP submitted that this was a clear case of involving cheating, as the applicant while working as Muddemal Clerk had misappropriated amounts in the aforesaid manner.

6. This Court has carefully perused the statement of the informant, leading to registration of the FIR. Sufficient details are given as regards the amounts that were deposited from time to time with the applicant as the

Nagadi Karkoon and Muddemal Clerk, when he was working in the said police station. Upon verification of the record, the informant found that cash amounts that were supposed to be deposited in the bank were not so deposited and even challans could not be located. These are serious allegations, particularly in the context of a Police Personnel, who as the Muddemal Clerk was handling cash concerning certain offences registered against persons under the Gambling Act. The applicant was expected to act with responsibility and instead of doing so, *prima facie,* it appears that amounts were not deposited in the bank and they were retained by the applicant.

7. No case is made out for granting anticipatory bail. The application is dismissed.

(MANISH PITALE, J.)