

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

ANTICIPATORY BAIL APPLICATION NO.3145 OF 2024

Uttam Shankar Jadhav	...	Applicant
Vs.		
State of Maharashtra	...	Respondent

Mr. Omkar G. Jagtap for applicant.

Mr. Megha S. Bajoria, APP for Respondent-State.

Mr. Sagar G. Janrao, API, Bund Garden Police Station.

**CORAM : MANISH PITALE, J.
DATE : 27th NOVEMBER 2024**

P.C. :

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

2. The applicant is apprehending arrest in connection with FIR No.0260 of 2024 dated 14.09.2024 registered at Bund Garden Police Station, District - Pune City for offences under Sections 406, 409 and 420 read with 34 of the Indian Penal Code, 1860 (IPC).

3. At the outset, the learned APP pointed out that two co-accused persons had moved anticipatory bail application before this Court. After the counsel representing them had argued for some time and when this Court was inclined to dismiss their applications yesterday (26.11.2024), the said Anticipatory Bail Applications Bearing Nos.3131 of 2024 and 3133 of 2024 were dismissed as withdrawn.

4. The learned counsel for the applicant submits that the aforesaid order can have no bearing on the present application as the applicant can

demonstrate that he has made out a strong *prima facie* case in his facts for claiming the relief of anticipatory bail. It is submitted that the only allegation against the applicant is that an amount of ₹3 Lakhs was transferred into his bank account. This is said to be part of the amounts misappropriated by the named accused persons who were working as accountant and cashier with the Sassoon Hospital. The applicant was working only as a CT Scan Technician. Reference was made to the bank account statement of the applicant to indicate that after said amount of ₹3 Lakhs was transferred, the applicant was under an impression that it was transferred by co-accused Sachin Sasar from whom he had earlier also taken some hand loans. In that light, the applicant immediately returned the said amounts thereby, showing his *bona fide*. It is further submitted that after notice was issued to the applicant on 02.08.2024 about the aforesaid amount of ₹3 Lakhs having been transferred from the Sassoon Hospital, the applicant returned the said amount also, thereby showing that no criminality can be foisted upon the applicant.

5. On the other hand, the learned APP submits that the contentions raised on behalf of the applicant are more in the nature of defence. At this stage, the investigation has revealed involvement of the applicant along with co-accused persons in misappropriating huge amounts of Sassoon Hospital that were to be utilized for public good. It was submitted that the ingredients of the offences are clearly made out and no indulgence can be shown to the applicant.

6. Having considered the rival submissions. This Court is of the opinion that the explanation sought to be given on behalf of the applicant is clearly in the nature of defence and the same cannot be considered at this stage when the investigation has revealed that part of amounts that were *prima facie* misappropriated from the Sassoon Hospital were

transferred to various accounts including the bank account of the applicant. There is sufficient material to show that an amount of ₹3 Lakhs found its way to the bank account of the applicant and therefore, his *prima facie* involvement in the case is made out. The claim of the applicant that he transferred the said amount immediately to co-accused Sachin Sasar cannot take his case further, simply for the reason that the co-accused is also alleged to be involved in such serious act of misappropriation of public money. Therefore, this Court is not inclined to show any indulgence to the applicant and the application is dismissed.

(MANISH PITALE, J.)

Ajit Pathrikar