2024:BHC-NAG:10602

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (ABA) NO.640 OF 2024

Sachin s/o Devman Virghat
Vs.
State of Maharashtra, Through Police Station Officer, Police Station, Akot City, District Akola

Office Notes, Office Memoranda of Coram, appearances, Court's orders of directions and Registrar's orders	Court's or Judge's orders

Mr. S. D. Chopde, Counsel for the applicant.
Mr. A. V. Palshikar, APP for non-applicant /State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 18/09/2024

1. Apprehending the arrest at the hands of police in connection with Crime No.106/2024 registered with Police Station Akot, District Akola for the offences punishable under Sections 409 and 420 read with Section 34 of the Indian Penal Code.

2. The applicant is apprehending arrest at the hands of police as FIR is lodged by one Yogesh Nagorao Dakre who is an Officer attached with Fincare Small Finance Bank Limited alleging that the said Bank is engaged in business of disbursement of loan amount and it is duly registered with the Reserve Bank of India. The complainant was attached with the said Bank as Regional Manager for Akot Branch. The applicant is one of the Recovery Officers for the Bank for the said Akot area. It is further alleged that one Nalini had approached the

Bank and made a complaint that though she had paid her entire loan amount however, the said amount was never deposited with the Bank, therefore, the enquiry was held and it revealed that, the applicant and other co-accused have visited 537 customer/account holders and indulge in misappropriation of the amount of 34 account holders. The applicant was allotted with route B which is having 487 customers. It further revealed that though the amount was collected from 5 account holders still, the receipts thereof were not given. On the other hand, the amount collected was used by the applicant for his personal purpose. On the basis of the said report, police have registered the crime against the present applicant.

3. Heard learned Counsel for the applicant who submitted that as far as the recitals of the FIR are concerned, false allegation is implicated. In fact, the signatures are obtained on the blank papers by the bank officials of the some customers and their statements are prepared. It is further submitted that as far as the present applicant is concerned, except the statements of the witnesses, there is no other material to connect him with the alleged offence. As far as his custodial interrogation is concerned which is not required. In view of that, he be protected by granting anticipatory bail.

4. Learned APP strongly opposed the said application and invited my attention towards the various statements of the witnesses and submitted that during the statements recorded by the Investigating Officer, the witnesses including the relatives of the present applicant have stated that present applicant has collected money from them to deposit in the loan account, but it was not deposited and accordingly, the poor investors were duped by the present applicant as well as the other co-accused. As far as the present applicant is concerned, the total misappropriation amount is Rs.1,89,193/- and the custodial interrogation is required to recover the said amount as well as to ascertain his connection with the other co-accused.

5. After hearing the learned Counsel for the applicant and learned APP for the State, perused the investigation papers from which it reveals that the audit was conducted by the said financial institute and the involvement of the present applicant was revealed. During the investigation, the statements of the various witnesses including the relatives of the present applicant are also recorded from which it reveals that the present applicant approached to various customers, who have obtained the loan and obtained money from them to deposit the same in the loan account, but the amount was not deposited. It reveals that these witnesses had obtained the loan for their small needs and they are from the poor

strata of the society, who have obtained the loan for their daily needs. It reveals that these poor persons were duped by the present applicant by not depositing the amount and they are burdened with repayment of the said loan which they have obtained. Thus, considering the role of the present applicant, at this stage, no case is made out for grant of anticipatory bail. In view of that, the application deserves to be rejected. Accordingly, I proceed to pass following order:

The application is rejected.

(URMILA JOSHI-PHALKE, J.)

Sarkate