



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

946 ANTICIPATORY BAIL APPLN NO.187 OF 2025

PATHAN SARFARAJ KHAN AHMAD KHAN

VERSUS

THE STATE OF MAHARASHTRA

...

Advocate for Applicant : Mr.M.P.Bhaskar

APP for Respondent-State : Mr.S.P.Sonpawale

...

CORAM : ARUN R. PEDNEKER, J.

DATE : 25.03.2025

P.C. :

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

2] The applicant is apprehending arrest in connection with Crime No. 22/2025, registered with Pundlik Nagar Police Station, Aurangabad, for the offence punishable under Section 409 r/w. 34 of the IPC.

3] This Court, by order dated 17.02.2025, has granted interim protection in favour of the applicant for the submissions and reasons stated in para nos.3 to 6 as noted below :

3] The allegation against the applicant is that the applicant has transferred the amount of Rs.11,17,104/- and Rs.1,02,600/- from the account of customers into some other two accounts and has taken benefit of the said amount.

4] *The learned counsel for the applicant submits that the borrower has paid Rs.11,17,104/- online in the account of the company. The learned counsel for the applicant submits that the applicant is the Collection Manager and the applicant has no access to the transferred amount in the account of customers. In the instant case, the amount is received from one Finance Company to other Finance Company and he has no access to the account to transfer the said amount to any other account. As regards the loan amount of Rs.1,02,600/-, the borrower had made an excess payment of Rs.1,02,600/- and the same was refunded to the customer by the company. The amount of foreclosure was paid online to the account of the company. Therefore, the applicant is not involved in the alleged crime.*

5] *The learned APP submits that the applicant has done alleged transfers and he had authority to do so.*

6] *Prima facie, the contention of the applicant appears to be probable. The applicant cannot have access to the account of customers to transfer the amounts in some other customers. Also, evidence that he has benefited from the same is not forthcoming.*

4] The learned counsel for the applicant submits that in terms of the aforesaid order, the applicant has co-operated with the investigation.

5] The learned APP has not demonstrated how the amount from the account of the customer could have been transferred by the applicant to the other accounts.

6] In view of the same, the interim protection granted by order dated 17.02.2025 stands confirmed, in the following terms :

i] The applicant shall attend the concerned police station as and when required by the investigating officer.

ii] The applicant shall not tamper with the evidence of the prosecution in any manner. He shall not influence the informant, witnesses and other persons concerned with the case.

iii] The applicant shall co-operate with the investigation and also in the proceedings before the trial Court.

7] In the event, the applicant violates any of the conditions specified in this order, it shall be liable to be cancelled.

8] It is also clarified that the observations made in this order are limited to the disposal of the present anticipatory bail application and the trial Court shall proceed further in the matter without being influenced by the observations made hereinabove.

9] The application stands disposed of.

[ARUN R. PEDNEKER]
JUDGE

DDC