2025:BHC-AUG:6846

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

915 ANTICIPATORY BAIL APPLICATION NO.223 OF 2025

Sachin Ramnivas Varma,
Age-40 years, Occupation Business,
R/o. Bajaj Galli, Majalgaon,
Tq. Majalgaon, Dist. Beed. .. **APPLICANT**

VERSUS

1] The State of Maharashtra,
Through Officer In charge,
Police Station Beed (City),
Dist. Beed.

2] The Superintendent of Police,
Beed, Dist. Beed. .. **RESPONDENTS**

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Mr.S.J.Salunke, Advocate for the applicant.
Ms.Neha B. Kamble, APP for the respondent-State

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CORAM : ARUN R. PEDNEKER, J.

DATE : 27.02.2025

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.0139/2024, registered with Beed (City) Police Station, Dist. Beed, for the offences punishable under Section 420, 465, 467, 468, 471, 34 of the IPC and under Section 66 (D) of the Information Technology Act.

3] On the information of Balasaheb Yashwante, Joint Director of Industries, crime has been registered against the applicant and 6 others. It is alleged that on 13/06/2022, the meeting was conducted in the presence of the Collector, Beed of the General Manager, Industries, the Bank Managers and Officers. In the meeting discussion of quarterly work was discussed and the Collector brought it notice to the Officers about non-disbursement of loan to poor and needy persons. On 14/06/2024, the Manager of Punjab National Bank opened the portal of the scheme namely Mukhyamantri Rojgar Nirmiti Karyakram and it was found that, though proposals of Vijay Maruti Choure and Deepali Rohit Madke were not sanctioned by the bank, those were sanctioned by the third person and Government Aid of Rs.30,00,000/- was transferred in the account of co-accused Rohit Madke and was found to be withdrawn. The Branch Manager informed to the Superior Officers on 15/06/2024. Informant visited the bank and found that the proposals of loan were not sanctioned by the banks but the amount was transferred in the account of third persons contrary to rules. He lodged the crime against 6 accused alleging that, in collusion with each other, the accused prepared forged documents, used portal of the bank and withdrawn amount of Rs.2,23,65,653/-. Total amount withdrawn was Rs.2,51,51,692/-. On the basis of the said allegation, the FIR is lodged on 01.07.2024.

4] The learned counsel for the applicant submits that the co-accused Gopal Babruwan Lokhande is running multi services center at Georai and carrying the business of uploading the applications for receipt of grants, loans, crop insurance etc. He is service provider of online banking transactions. Applicant had acquaintance with him. Co-accused Gopal obtained account number of the applicant and misused it to commit fraud. By committing fraud and forgery, co-accused Gopal Lokhande transferred amount of grant of Rs. 16,21,052/- in the account of applicant. This amount was credited in the account of applicant on 12/06/2024. On the same day, co-accused Gopal informed the applicant that, loan account was sanctioned to him and amount was credited in the account of applicant. On the same day, co-accused Gopal transferred the amount of Rs. 10,00,000/- from the account of applicant to his own account and on 13/06/2024 transferred Rs.5,00,000/-. 5 Debit entries dated 12/06/2024 of Rs.2,00,000/- each and debit entry dated 13/06/2024 of Rs.5,00,000/- exhibit amount was debited from the account of applicant and credited in the account of co-accused Gopal Lokhande. Applicant was unaware that amount deposited in the account of applicant by co-accused Gopal Lokhande was of fraud and misappropriation. Co-accused Gopal Lokhande obtained the account number of the applicant being a friend and misused it for embezzlement of amount. Co-accused informed the applicant that rest of the amount of Rs.1,21,052/- would be taken by him from applicant.

5] The learned counsel for the applicant submits that the applicant has no nexus with the offence. Co-accused Gopal had misused the persons having acquaintance and threats. Applicant is not involved in the fraud. Applicant is used as the participants of the scam for moving money without his knowledge. Immediately after receipt of amount from SBI, co-accused transferred it in his own account. Applicant was unaware that the entire transaction is fake and part of largest scam to defraud the Bank and State Authority.

6] The learned counsel for the applicant further submits that similarly situated co-accused Arbaj Firoz Pathan is enlarged on anticipatory bail by this Court by order dated 19.11.2024 and 20.01.2025 in ABA No.1786 of 2024.

7] The learned APP submits that the amounts are received by the applicant and the same are utilized, as such, the present application be dismissed.

8] Considering rival submissions, it is noticed that the applicant is Accountant / Tax Consultant and he has received amount of Rs.12,21,054/- in his personal account.

Although the applicant has submitted before the Sessions Court that, he was unaware about the amount credited to his account, however, he has utilized the said amount. He has submitted that he has transferred the said amount to Gopal Lokhande, however, the statement does not show that the transfer is made to Gopal Lokhande, who was working with SBI for sanction of loans. The amount is deposited in the personal account of the applicant and the same has been utilized by the applicant. The applicant has relied on the order dated 19th November, 2024 passed in Anticipatory Bail Application No.1786 of 2024, however order will not come to the aid of the applicant as in that particular case it was noticed that the amount of Rs.11,75,000/- was immediately transferred in the account of Gopal Lokhande and the bank statement was produced. However, in the instant case, the present applicant has benefited from the loan transactions. Considering the same, no case is made out for grant of anticipatory bail. Hence, the present application is dismissed.

9] 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 not be influenced by the observations of this Court while deciding regular bail or at trial.

[ARUN R. PEDNEKER]
JUDGE

DDC