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

## CRIMINAL APPLICATION NO. 135 OF 2024

State of Maharashtra, Thru. PSO, PS Bajajnagar, Nagpur
Vs.
Praveen s/o Narayansing Yeotikar

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| Office notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders. | Court's or Judge's Orders. |
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Mr. N.R. Patil, APP for applicant/State.
Mr. Sanjeev Deshpande, Advocate a/w Mr. Kushal R. Jain & Mr. Pratk S. Lingayat, Advocate for non-applicant.

**CORAM : RAJNISH R. VYAS, J.**
**DATE : 10.10.2025**

This is an application preferred by the State for cancellation of anticipatory bail granted to the non-applicant on the ground that relevant material was not taken into consideration by the Court while allowing the anticipatory bail.

**2.** In short, it is the case of prosecution that vide Crime No.130/2024 offences under Section 406, 420, 465, 467, 468 and 471 read with Section 34 of the Indian Penal Code was registered against several persons including the present non-applicant.

**3.** It was the case of the prosecution that present non-applicant, at the relevant time, was holding additional charge of Branch Manager with Yavatmal Urban Co-operative Bank. As per First Information Report, the informant had purchased Shop No.1 in the Society for Rs.20,00,000/- from the developer i.e. 'Sirsikar Developers & Builders'. He has paid amount of Rs.5,00,000/- by cheque and had availed a loan of Rs.15,00,000/- from the Indian Overseas Bank. The Indian Overseas Bank had issued an account payee demand draft in the name of said developers. As per the report, the bank had also given NOC to the developer and builder on the condition that demand draft for the loan account of the informant i.e. Loan Account bearing No.167/2018. The said demand draft was given by the informant to the developer for depositing in the aforesaid account but the accused No.1 – Bank had deposited the said DD in Current Account No.21/942 of the developers account. It is the case of the informant that by doing so he was cheated.

**4.** I have heard Mr. Neeraj Patil, learned Assistant Public Prosecutor for the applicant/State and Mr. Deshpande, learned counsel for the non-applicant. I have also perused the record.

**5.** Perusal of the record would reveal that the dispute between the parties is also pending before Debt Recovery Tribunal, Nagpur. So far as role of present non-applicant is concerned, it is contended by the prosecution that at the relevant time, the non-applicant was not having an additional charge as a Branch Manager and therefore, the transaction in question was illegally done.

**6.** Be that as it may, the order granting anticipatory bail dated 01.08.2024 passed by the learned Additional Sessions Judge-13, Nagpur, so far as present non-applicant is concerned in Criminal Bail Application No.1592/2024, appears to be just and proper.

**7.** Learned Additional Sessions Judge, while deciding an application for grant of anticipatory bail has observed that the crime in question had taken place in the year 2016 but formal complaint was not filed for eight years i.e. till the year 2024. Learned Court has also observed that dispute is also pending before Debt Recovery Tribunal, Nagpur.

**8.** Considering the nature of allegation and evidence in support of it, learned Court has extended benefit of grant of anticipatory bail by considering parameters laid down under Section 438 of the Code of Criminal Procedure. It is further necessary to note that according to the learned counsel for non-applicant, the non-applicant is co-operating with the Investigating agency. The case is based upon the documentary evidence.

**9.** Considering the fact that the Sessions Court has dealt with every aspect of allegation in detailed manner, no case is made out for interference. Accordingly, the criminal application is dismissed.

**(Rajnish R. Vyas, J.)**