2026:BHC-AUG:22094

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

23 ANTICIPATORY BAIL APPLICATION NO. 793 OF 2025

Vijay Alias Vijaykumar Subhash Rathod ....Applicant

VERSUS

The State of Maharashtra & another .....Respondents

Mr. A. V. Thombre, Advocate for Applicant.
Mrs. P. J. Bharad, APP for the State.

CORAM : R. M. JOSHI, J.
DATE : 8th JUNE, 2026.

PER COURT :

1. Applicant seeks pre-arrest bail in connection with Crime No. 4/2025 registered with Pimplaner Police Station, District Beed, for the offences punishable under Sections 318(4), 316(2), 316(5), 238, 3(5) of the Bharatiya Nyaya Sanhita, 2023 and Sections 3, 4 of the Maharashtra Protection of Interest of Depositors (In Financial Establishments) Act, 1999.

2. One Bhima Raut lodged First Information Report stating that on 18.04.2019 he approached to the co-accused i.e. Chairman of the society enquring about the interest he would get if he deposits money. It is claimed that the present applicant and the co-accused assured

him of handsome return. Ultimately, the informant and other investors were duped to the extent of Rs. 47,20,000/-.

3. Learned counsel for the applicant submits that even as per the case of the prosecution, the applicant was working as a Cashier and as such he cannot be held responsible for the affairs of the society. According to him, the Manager of the society has been granted anticipatory bail by this Court by order dated 11.03.2025 in Anticipatory Bail Application No. 207/2025 and considering the said fact, the role of the present applicant is much lesser than the one attributed to the said accused, applicant is entitled to seek bail on parity. Apart from this, it is his contention that there is absolutely no evidence showing any amount being received by the present applicant from the alleged crime or that he is beneficiary thereof.

4. Learned APP opposed the application firstly contending that there are statements of witnesses indicating that the applicant has allured them to deposit money in the society. Apart from this, it is her submission that the applicant was appointed as a Peon and was later on promoted as a Cashier which itself indicates he was hand in gloves with the co-accused.

5. As far as the present applicant is concerned, there is no allegation against him that he received any money from the said depositors. His handling of cash as a Cashier cannot be equated to he receiving crime money. The Manager of the society has been granted anticipatory bail by this Court by order dated 11.03.2025 and the said order has not been challenged by the prosecution. Needless to say that the Manager would have greater powers and role to play in the affairs of society as compared to the Cashier. This Court, therefore, finds substance in the contention of learned counsel for the applicant that the role attributed to the present applicant is much lesser than the one alleged against the co-accused i.e. Manager of the society. Moreover, there is no *prima facie* evidence to show any money being received by the present applicant or he being benefited by the crime. In view of the said fact, this Court has no hesitation in allowing the application by confirming interim relief. In the result, application is allowed. Interim relief is confirmed.

(R. M. JOSHI, J.)

dyb