

**Bail Application No. 41/2022**

Yogesh Kacharu Khakale

.. Applicant/  
Accused.

Vs.

The State of Maharashtra  
through Police Inspector,  
Mumbai Naka Police Station, Nashik.  
(Cr. No.I 266/2021)

.. Prosecution

**Order below Exh.1.**

1. This application has been filed by the applicant/accused under section **439 of Cr.P.C.** for releasing him on **regular bail** in the aforesaid Crime registered at Mumbai Naka Police Station, for the offence punishable under section 406 r/w. 34 of the IPC.

2. The FIR was lodged by one Dr. Gaurav Rajendrakumar Khairnar on 30.10.2021 alleging therein that the applicant is working as a Technician in Radiology Department of Apollo Hospital, Nashik. He was entrusted with the work of City Scan of the patients, sending of the testing report, collection of amount of City Scan and issuance of receipts etc. During the period from April to September 2021, approximately City Scan of 547 patients were done but the applicant had shown only 344 patients. Thus he misappropriated the amount received from the patients. He has also sold 10 film boxes worth Rs.1,30,000/-. Thus, he had

misappropriated the amount to the extent of Rs.17,19,000/- and thereby caused loss to the hospital. The complainant then, lodged report with the police station.

Based on his report, police registered the offence and the applicant is arrested on 10.12.2021 and now he is in judicial custody.

3. The Id. Counsel has submitted that applicant is innocent and has no concerned with the alleged offence. He has no criminal antecedents. He further submits that applicant is working with the Apollo Hospital as a X-ray Technician. He was paid till April 2021, thereafter the management avoided to pay him regularly. He demanded his salary and there was some dispute on that issue. On 28.10.2021 he was called in the hospital and was assaulted and threatened of dire consequences. They were apprehending prosecution at the hands of the applicant and so, implicated him in the false case. All allegations are false against him.

The learned Counsel further says that after rejection of his anticipatory application, he himself surrendered before the Police which shows his bonafide. He is ready to abide each and every conditions if any imposed by this Court. Lastly, he prayed for grant of application.

4. The investigating officer has resisted the application by filing his reply at Exh.5 and opposed the application on the

ground that he had accepted the amount directly from the patients via Phone Pay, Google Pay and other modes. His bank statement clearly shows entries of amounts credited to his account by different patients. The applicant has also collected the amount in the account of his relatives. The investigation is still in progress and they could not recover the amount till date. Hence, prayed for rejection of the application.

The ld. APP Smt. Aparna Patil has also strongly opposed the application stating that the act committed by the applicant is of serious nature and he had misappropriated the huge, hence prayed for rejection of the application.

5. After hearing both the sides and on going through the case-diary, submission of both the sides, prima facie it appears that applicant had misappropriated huge amount. The statement of account shows different amounts credited to his account in the name of different patients. The documents collected by the Investigating Officer is evident of the fact of his involvement in misappropriation of amount. As the investigation is in progress, I am not inclined to allow the application.

**Order**

Application stands rejected.

( Smt. S.S. Nair )

Date : 18.01.2022.

Addl. Sessions Judge-4, Nashik.