

IN THE COURT OF ADDITIONAL SESSIONS JUDGE, NASHIK,
AT – NASHIK.

(Presided over by Mr. M. H. Shaikh)

Criminal Bail Application No.203 of 2022

CNR No.MHNS010005882022



1. **Appa Sukhdev Aher**
Age : 34 years, Occ.: Services
R/o : Trimurti Chowk, Patil
Nagar, Cidco, Nashik, Tal.
& Dist. Nashik.
2. **Vinay Danial Waghmare**
Age : 34 years, Occ.: Services
R/o : Sharanpur Road, Dharmपुरi,
Nashik, Tal. & Dist. Nashik. ... Applicants/Accused.

V/S

State of Maharashtra
Through – P.I. Ambad Police
Station (C.R. No.I-358/2020) ... Respondent/State.

Appearance :

Ld. Adv. Shri. S. B. Wani for Applicants/Accused.
Ld. A.P.P. Shri. Sachin Gorwadkar for Respondent/State.
Shri. G. V. Shinde A.P.I. (I.O.) present.

ORDER BELOW EXH. No.1
(Delivered on 10th March, 2022)

1. This is a bail application filed under Section 438 of Criminal Procedure Code for grant of pre-arrest bail in C. R. No. I-358/2020 registered with the respondent Ambad Police Station for an offence punishable under Sections 408, 420, 477(A) r/w 34 of the Indian Penal Code against the applicants alleging that they have misappropriated an amount to the tune of Rs.49,82,000/-.

2. Perusal of the F.I.R. reflects that the State Bank of India had appointed LogiCash Solution Pvt. Ltd., New Mumbai as their agent to deposit the amount in the ATM belonging to State Bank of India, Nashik. Applicants were the employees of the said Company. It revealed to the Company that, the applicants deposited less amount in the ATM's belonging to the S.B.I. and misappropriated the amount. Therefore, the matter came to be reported to the Police.

3. It is the case of the applicants that they are an innocent and have not committed any offence. Investigation is completed as regards these applicants. Applicants are made scape goat in this matter. Bank Officials are involved in this matter. The amount was insured and the Bank got the amount from the Insurance Company. Therefore, prayed to allow the application in any terms.

4. Respondent filed their say vide Exh.4 and strongly objected by saying that the offences alleged are serious in nature. Investigation is in progress. Therefore, prayed to turn down the application.

5. Heard Ld. Advocate for the applicants, Ld. A.P.P. for the State and the I.O. in person. Perused the police papers produced for inspection by the I.O.

6. Upon hearing and going through the material placed on record, what can be gathered is that the Company was authorized by the Bank to give services of loading the Cash in the ATM belonging to them. Accordingly, it seems that there is an allegation that there is a misappropriation of the amount to the tune of Rs.49,82,000/-. The

complaint is of June-2020. I.O. submits before the Court that, statements of applicants can't be recorded and investigation as regards these applicants has been completed. In view of this, this Court finds that by imposing conditions application can be allowed. Hence, the order.

ORDER

1. Criminal Bail Application No.203 of 2022 is allowed.
2. In the event of arrest, Applicant No.1 Appa Sukhdev Aher and Applicant No.2 Vinay Daniyal Waghmare be released on bail on their executing a personal bond of Rs.15,000/- each with one or more solvent sureties in like amount to the satisfaction of the I.O.
3. Applicants not to commit similar offence in future.
4. Applicants to remain present before the I.O. and cooperate him in the investigation as and when he calls under prior written intimation.
5. Inform the order to the I.O.
6. In the above terms, the Criminal Bail Application No.203 of 2022 is stands disposed off accordingly.

Place : Nashik.
Date : 10/03/2022

(M. H. Shaikh)
Additional Sessions Judge, Nashik.