

MHKO010039912022 	<u>Order below Exh.1 in Cri.Bail Appln. No.998/2022.</u> Dnyaneshwar Ankush Sawant Vs. State of Maharashtra
---	--

1] This is an application filed by applicant/accused – Dnyaneshwar Ankush Sawant under Section 439 of Cr.P.C. for bail.

2] **The prosecution story in nutshell is as under :-**

The informant company – L & T Financial Services provides financial loan for home, tractor and two wheeler etc. In the said company, accused No.1 – Abhijeet Rajgonda Patil is area manager and present applicant is collection officer. Accused No.1 and 2 have taken companies loan amount total Rs.21,66,858/- from companies customer during the collection without reporting to the company and used said amount for their own expenses. So that the informant lodged FIR against the applicant at Shahupuri Police Station vide C.R. No.450/2022, under Sections 406, 408 420, R/w.34 of the I.P.C.

3] Heard learned advocate Mr.Pratik Patil for the applicant/accused. He argued that the accused No.1 was area collection manager working for L & T Financial services, Pune under whom there are seven collection officers, who are appointed by L & T Financial Services, Pune to collect the cash in specified area from their customers and deposit it to the concern area manager. Present applicant is one of the collection officer working below the area manager. The applicant/accused was arrested and he was in P.C.R. from 30/09/2022 to 04/10/2022. In the police custody, the

Investigating Officer has not recovered anything from the applicant. No any incriminating documents are found in possession of the applicant. The applicant is permanent resident of Sangli and he is ready to furnish solvent surety. So that, the applicant/accused be released on bail on certain terms and conditions.

4] The learned APP Mrs. M.B.Patil strongly opposed said application on the ground that investigation is at initial stage. Accused No.1 is not yet arrested. The applicant/accused is staying at Sangli and he is having business of Tour and Travels at Pune. The applicant/accused might have invested the money of L & T Finance Services in his Tour and Travels business for purchasing vehicles. If the applicant/accused is released on bail, he will tamper the prosecution evidence. So that, the application be rejected.

5] The Investigating Officer filed say at Exh.4 and objected said application on the ground that the accused committed said offence for his own benefit and misappropriated an amount of Rs.21,66,858/-. If the accused is released on bail, then it is very difficult for the Investigating Officer to recover the amount. Hence, bail application be rejected.

6] I have gone through the say filed by the Investigating Officer at Exh.4. Heard learned advocate for the applicant/accused and learned APP. This Court found that the incident took place between 01/06/2021 to 25/09/2021. The offence was registered on 08/06/2022 and present accused was arrested on 29/09/2022. The prime accused i.e. Abhijeet Rajgonda Patil, who is area manager for collection of amount of L & T Finance Services, Pune, under whom the present applicant/accused is working as a collection officer. It is found that the Investigating Officer not

arrested the accused No.1 – Abhijeet Rajgonda Patil, when he is very well required for the investigation. The Investigating Officer in his say at Exh.4 not mentioned the reasons why he was not arrested. It is found that the accused was arrested on 29/09/2022 and from last one month, he is in custody.

7] In view of above facts and circumstances, this court come to the conclusion that to recover the amount, for further investigation and to arrest the accused No.1 – Abhijeet, the custody of this applicant/accused is not necessary. Hence, it is necessary to grant bail to the applicant/accused No.2 by imposing certain stringent conditions. Hence, this Court proceed to pass following order.

ORDER

- 1] Application is hereby allowed.
- 3] Applicant/accused No.2 - Dnyaneshwar Ankush Sawant in C.R. No. 450/2022, registered with Shahupuri Police Station under Sections 406, 408, 420 R/w.34 of the I.P.C. be released on bail on his executing P.R. Bond with one or two solvent sureties in sum of Rs.25,000/- (Rs.Twnty-five Thousand only) on following conditions :
 - A] After release, the applicant/accused to attend concerned Police Station on every Monday between 11.00 a.m. to 1.00 p.m. till filing of the charge-sheet.
 - B] The applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.
 - C] The applicant shall remain present before the court on the dates fixed for hearing of the case.
 - D] The applicant shall submit his address proof of Sangli, Pune and Kolhapur to concern Police Station.

- E] The applicant to surrender his passport to the concern Police Station.
- 3] Bail before Lower Court.
- 4] The application is disposed of accordingly.

(Shailendra Tambe)

Date :- 01/11/2022

Additional Sessions Judge, Kolhapur.