

(1)

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO.5023 OF 2015

Manoj Ganpatrao Bhumare ..APPLICANT

VERSUS

The State of Maharashtra ..RESPONDENT

Mr S.K. Chavan, Advocate for applicant;
Mr S.N. Morampalle, A.P.P. for respondent

CORAM : N.W. SAMBRE, J.

DATE : 26th October, 2015

ORAL ORDER :

By the present application, the applicant seeks his enlargement on bail, in the event of his arrest, in connection with C.R. No.I-154 of 2015, registered with Badnapur police station, for offence punishable under section 420 of the Indian Penal Code.

2. According to the prosecution, the incident for which the offence was registered, had taken place on 26th July, 2015, wherein it is narrated that the applicant, who was working as a Manager of Subh-Kalyan Multi-State Co-operative Credit Society Ltd., having its Branch at Badnapur, has got issued sim card of Airtel company by furnishing the papers of the complainant, which were submitted by him along with a loan proposal. In short, the applicant has tried to utilize the identity of the complainant for securing the said sim card.

(2)

3. Mr Chavan, learned Counsel appearing on behalf of the applicant, while trying to make out a case for grant of pre-arrest bail, would urge that the applicant is falsely implicated in the crime in question, as he had rejected the loan proposal of the complainant, so also the mobile shoppe owner and as such, the complainant has filed complaint implicating the applicant in a false crime. Mr Chavan then would urge that there is no explanation for the delayed first information report. According to him, custodial interrogation of the applicant is not necessary, as the application form for issuance of sim card is very much with the company, from where it could be easily assessed as to whether the applicant has received any of the papers. Thus, he prayed to enlarge the applicant on pre-arrest bail.

4. While opposing the application, learned Addl. Public Prosecutor would urge that recovery of copy of the application form, which was returned to the present applicant by Airtel dealer and the sim card which was issued and is in the custody of the applicant, is required to be recovered and as such, custodial interrogation of the applicant is necessary. Apart therefrom, learned Addl. Public Prosecutor would urge that there is *prima facie* involvement of the applicant in the crime in question and has taken me through the investigation papers. Thus, he prayed to reject the present application.

5. Having considered the rival submissions, it is required to be noted that the applicant herein was working as a Manager of one of the Branches

(3)

of Subh-Kalyan Multi-State Co-operative Credit Society Ltd. and the allegation against him is that he has misused the identification papers of the complainant, which were submitted by the complainant, at the time of applying for loan. So far as the identification papers are concerned, it is required to be noted that the same might be available with the Bank. However, from the record, it is an admitted position that the identification papers along with loan application are not seized by the investigating agency from the Bank. Apart therefrom, it is also required to be noted that for lodging delayed first information report, there is no explanation on record. It is also required to be noted that it is the prosecution case that the sim card and the application form, are in the custody of the applicant, which *prima facie* appears to be improbable story, as sim card is claimed to have been issued to the applicant after he submitted the same to the agent.

6. In view of above, in my opinion, it will be appropriate to grant protection to the applicant. I, therefore, pass following order :-

In the event of arrest of the applicant, in connection with C.R. No.I-154 of 2015, registered with Badnapur police station, for offence punishable under section 420 of the Indian Penal Code, he be released on bail, on furnishing P.R. Bond of Rs.10,000/- with one surety in the like amount.

(4)

The applicant shall attend the concerned police station initially for four days, between 10.00 a.m. and 11.00 a.m. and thereafter as and when called for by the Investigating Officer.

Criminal Application stands allowed in above terms.

(N.W. SAMBRE, J.)

amj