IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.
APPELLATE SIDE JURISDICTION

CRIMINAL APPLICATION NO.:5323 OF 2015

Babasaheb S/o Kashinath Devkate
VERSUS
The State of Maharashtra

***

Mr. M. P. Bhaskar, Advocate for Applicant.
Mr. S. M. Ganachari, A.P.P. for Respondent.

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WITH

CRIMINAL APPLICATION NO.:5325 OF 2015

Santosh S/o Eknath Bansod
VERSUS
The State of Maharashtra

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Mr. M. P. Bhaskar, Advocate for Applicant.
Mr. S. M. Ganachari, A.P.P. for Respondent.

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CORAM : **INDIRA K. JAIN, J.**

DATE : 18th November, 2015.

ORDER:

. Heard learned counsel for the parties.

2 These are the applications for pre-arrest bail in Crime No.621 of 2015 registered at Kranti Chowk Police Station, Aurangabad for the offences punishable under Sections 406, 420, 468, 471 read with 34 of the Indian Penal Code.

3 As per the prosecution case Complainant Mangala Ambadasrao Deshpande was working in State Bank of India. In the year 1993-94 she purchased 53 shares by borrowing loan of Rs.10,000/- from the Bank. In the year 2004-05 she again borrowed loan of Rs.80,000/- and purchased 50 shares. In 2012-13 she learnt that shares were having good market value and she decided to sell the shares.

4 With a view to sell shares she approached Religare Security Private Limited a firm dealing in brokerage in share market. Complainant was asked by Manager of Company to contact Santosh Bansod / Applicant in Criminal Application No.5325 of 2015 who was working as clerk. Santosh asked Complainant and her husband to sign blank bond papers for the purpose of transferring shares. Accordingly Complainant and her husband signed bond papers in the month of January 2012. After one month Accused informed Complainant that new account has been created in her name and 103 shares have been deposited in said account.

5 In July 2012 Complainant noticed that in spite of opening new account and depositing the shares, amount of shares was not deposited in her account. So she inquired from Santosh Bansod. He

told her that account was new and it would take some time for depositing amount in her account. Thereafter Complainant did not inquire further.

6 In the month of July 2013 Complainant noticed that bonus amount was not credited to her account. She called Accused Santosh Bansod. He did not pick up the phone. Complainant was transferred to Pune in August / September 2013. She visited Religare Company at Aurangabad and inquired from the Manager who could not give satisfactory answer.

7 Then Complainant had been to Bank to get the details of her account. She came to know that shares were already transferred to the account of Babasaheb Devkate / Applicant in Criminal Application No.5323 of 2015. Having noticed that she was cheated and Applicants committed criminal breach of trust Complainant lodged report with the police.

8 Learned counsel for Applicants vehemently contended that Complainant herself had transferred the shares and they are no where concerned with commission of alleged offences. In this connection learned counsel referred to a receipt dated 23rd August, 2011 showing that 103 shares were transferred under the signature of Complainant.

9 It is pertinent to note that Complainant had not denied her signature. What is her contention is that signatures were obtained on blank bond papers. In this premise submission of the learned counsel for the Applicants does not find force.

10 Considering the nature of offences, *modus operandi* of the Applicants and since FIR makes out a *prima-facie* involvement of the Applicants this Court does not find it a fit case to exercise judicial discretion. Hence the following order –

<u>O R D E R</u>

Criminal Application Nos. 5323 and 5325 of 2015 are rejected.

[INDIRA K. JAIN, J.]

ndm