

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.495 OF 2015**

Jamir Nasruddin Sanadi

....Applicant.

Versus

The State of Maharashtra & Anr.

...Respondents.

Mr. K.M.Irani i/by Mr. Ajit Kochrekar, advocates for the Applicant.

Mr. J.H.Ramugade, APP for the respondent-State.

CORAM : MRS. MRIDULA BHATKAR, J.

DATED : March 31, 2015.

P.C.:

The application for bail is moved as the applicant-accused is facing charges under Sections 408, 409, 420 and 468 read with Section 34 of the IPC in C.R.No.124 of 2014 Sangli Gramin Police Station, District: Sangli. One Pharuk Parande, who is working as a checker in Audit Inspection and Law Department of bank of one Sangli District Central Co-operative Bank has given information to the police on 24.9.2014. As per this information and the case of the prosecution that the applicant-accused was branch manager and cashier of the said bank having branch at Village: Tung. The applicant-accused has taken charge of the said post from 11.6.2012 and one Prataprao Pandurang

Dhanawade was working as a clerk and Nandkumar More was working as a peon at the relevant time and they are co-accused. It is the case of the prosecution that these three persons by using password and authorized user ID of the applicant-accused fraudulently transferred amounts from the accounts of the other account holders for their benefit. There were fraudulent withdrawals of the money of the other account holders for the benefit of the accused persons. False entries of the amounts were made in the accounts of the creditors. So also gold ornaments which were given as security against the loans by various borrowers were taken away and duplicate ornaments were placed. As per the prosecution, total fraud of approximately 27 lakhs was committed by the applicant-accused and co-accused and thereby have cheated bank to that effect. Applicant-accused has surrendered before the learned Magistrate and he is taken in custody since 14.1.2015 and since then he is in custody. Hence, this bail application.

The learned counsel for the applicant has submitted that there are no specific charges of committing fraud or forgery against the applicant-accused. At the most, applicant-accused was negligent and was failed in performing duties with caution and care as expected. He relied on the statement given by the co-accused Mr. Dhanawade to the branch manager wherein he has confessed that he along with co-

accused peon More have played fraud and has withdrawn money, taken away gold for the purpose of monetary benefit. He submitted that co-accused has confessed and there is no evidence against the applicant-accused. He is to be bailed out.

The learned prosecutor submitted that the police have completed investigation and they are likely to file charge-sheet within eight days. The learned prosecutor further submitted that the applicant-accused allowed to use his user ID and password and therefore, fraud of such a big amount was committed.

Perused the FIR, documents produced by the applicant-accused and the prosecution. Prima-facie there is no specific evidence or allegations in respect of withdrawal or transfer of the amounts for the benefit of the applicant-accused. There is no prima-facie evidence to show that he had wrongfully gained any amount. Perused the letter dated 31.7.2014 written by Pratap Dhanawade to the Chairman of Sangli District Central Co-operative Bank wherein he has confessed the guilt committed by him with the help of peon More. The entire letter is silent about the applicant-accused. Applicant-accused was in police custody for 7 days and now the police have completed investigation and about to file charge-sheet. In view of this, I allow this application with the following order

- i) The applicant/accused shall be released on bail upon furnishing P.R. Bond in the sum of Rs.20,000/-, with one or two sureties in the like amount;
- ii) The applicant shall not tamper any documentary evidence and shall not pressurize the witnesses.
- iii) The applicant shall attend the trial Court.

(MRS.MRIDULA BHATKAR, J.)