IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.502 OF 2015

Hamjuddin Masur Mujawar ... Applicant

Vs.

The State of Maharashtra ... Respondent

Mr.J.D. Mane for the Applicant
Mr.J.H. Ramugade, APP, for Respondent – State
Mr.Nagesh B. Yamgar, PSI, Sangola police station – present

CORAM: **MRS.MRIDULA BHATKAR, J.**

DATE: **JUNE 17, 2015**

P.C.:

1. This application is moved for anticipatory bail as the applicant/accused is facing charges under sections 420, 462, 463, 464, 465, 469, 470, 471, 472, 473, 474, 475, 484, 488, 120B r/w section 34 of the Indian Penal Code. The offence is registered at C.R. No.412 of 2014 with the Sangola police station, Solapur. One Amita D. Patil, Deputy Commissioner of Solapur Municipal Corporation, has lodged this complaint against the applicant/accused and other 11 accused persons including the officers from the Bank of India, Sangola branch. It is the case of the prosecution that the applicant/accused is having one account since 2007 as S.B. 6863 in the Bank of India, Sangola. On 28.10.2014, the applicant/accused went to the Bank and he presented a cheque dated

24.10.2014 of Rs.8,90,000/- which was drawn from the Bank of India, main branch, Solapur from the account of 070010100021811 which is of the Corporation. The said cheque was credited and on 29.10.2014 i.e., the next day, the applicant/accused presented a slip and withdrew the amount of Rs.860,000/- from the said account. The said slip was passed by the Bank officers and he was allowed to withdraw. It is the case of the Deputy Commissioner that this is how the Corporation was cheated of this amount.

2. The learned Counsel for the applicant/accused has submitted that the applicant/accused is innocent. He is an illiterate villager who is made a scapegoat in this fraud. He submitted that in the Solapur District, onthat day, there was a big fraud and the Corporation was cheated of huge amounts in the same manner. The applicant/accused never entered the branch, did not operate his account either on 28.10.2014 or 29.10.2014 and he is innocent. He submitted that the police ought to have collected the recording from the CCTV and that would have revealed whether the applicant had been to the bank on that day or not.

3. The learned Prosecutor has opposed the application and relied on the papers of investigation. He submitted that there are specific entries on the slip when the cheque was credited and when it was withdrawn. This applicant/accused himself had visited the bank. The role played by him is

evident and therefore, he is not to be granted bail as it is a fraud against the Corporation, which is a public body. It is committed by the Bank officers of the Bank of India with the help of the applicant/accused.

4. Perused the FIR, the statements of Netaji Jadhav, the bank of officers from the Bank of India. He has stated specifically that the applicant/accused had come to the office and he has operated this account on both the days i.e., on 28^{th} and 29^{th} October, 2014. Thus, this is a case where no pre-arrest bail can be granted to the applicants/accused as their custody is required.

5. Anticipatory Bail Application is therefore rejected.

(MRS.MRIDULA BHATKAR, J.)