

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (BA) NO.415/2015

Pawan @ Pintu s/o Babadin Kushwah ..vs.. State of Maharashtra, through PSO P. S.
Gittikhadan, Nagpur.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Mr. R. M. Daga, Advocate for applicant.
Mr. Bangadkar, A.P.P. for non applicant-State.

CORAM : A.B. CHAUDHARI, J.

DATE : JULY 9, 2015.

Heard learned counsel for the rival parties.

The applicant is in jail since 22.01.2015 in respect of misappropriation of heavy amount committed by the bank employee and the present applicant is said to have assisted him in committing the offence. The learned A.P.P. states that the amount of Rs.10,000/- and gold biscuit of 100 gm has been recovered from the applicant and nothing remains to be recovered. Insofar as main accused Nilesh Thakur is concerned, he is already in jail. He has been put under suspension and the departmental enquiry would be completed within two months and a charge has specifically been framed for the loss caused to the bank.

In that view of the matter, I think this applicant deserves to be released now.

Insofar as balance amount to be recovered by the State Bank of India is concerned, Mr. Sanjay Kumar Tiwari, Branch Manager, SBI Vayusena Nagar Branch, states that he has applied for release of the amount and gold seized by the police on Suprutnama thereof to the concerned Magistrate in February-2015. The said application, due to transfer of the concerned Magistrate is still pending and the matter is now fixed for 15.07.2015 for hearing.

In that view of the matter, following order is passed.

ORDER

- (i) Criminal Application No.415/2015 is allowed.
- (ii) Applicant-Pawan @ Pintu Babadin Kushwah shall be released on bail on his executing P.R. Bond in the sum of Rs.20,000/- with one surety in the like amount.
- (iii) The applicant shall attend Police Station, Gittikhadan, Nagpur on last Sunday of every month from 11.00 a.m. to 4.00 p.m. and shall cooperate the Investigating Officer during investigation.
- (iv) The applicant shall not tamper with the prosecution evidence.

(v) Learned Judicial Magistrate First Class, Court No. 10, Nagpur shall hear the application for Suprutnama made by State Bank of India, on 15.07.2015 and shall decide the same, in any case, on or before 17.07.2015 by making an order to that effect.

Registry to communicate this order to the concerned Magistrate forthwith.

JUDGE

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