

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1851 OF 2016

Pandurang S/o Dnyandeo Meher
Age : 52 years, Occu.: Service – Manager
R/o. Ravivarpeth, Shrigonda,
Tq. Shrigonda, Dist. Ahmednagar .. Applicant
(Orig. Accused)

Vs.

- 1] The State of Maharashtra,
Through Police Station Officer,
Shrigonda Police Station,
District : Ahmednagar
- 2] Narayan Mohan Thawal,
Occu. : Agri.,
R/o Hiradgaon, Tal. Shrigonda,
Dist. : Ahmednagar .. Respondents

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Mr. N.V. Gaware, Advocate for the applicant
Smt. R.P. Gour, APP for the respondent-State
Mr. G.A. Kulkarni, Advocate for respondent no.2

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CORAM : N.W. SAMBRE, J.
DATED : 08/06/2016

ORAL ORDER :

Heard.

2. The applicant is seeking pre-arrest bail in
Crime no. I-95 of 2016 registered at Shrigonda

Police Station, Dist. Ahmednagar for the offences punishable under section 420, 465, 471 r/w. 34 of the Indian Penal Code for the alleged incidents dated 15/12/2011 to 11/1/2015.

3. Respondent no.2/complainant filed a complaint under section 156 of the Code of Criminal Procedure against the present applicant alleging that he being an employee/official of a Co-operative Credit Society, with whom the complainant/non-applicant no.2 was operating an account as a depositor, through a pigmy agent. His account was defrauded, as the maturity amount of Rs.2 Lakhs was not handed over to him, and by practising fraud by the pigmy agent in connivance with the applicant, the amount was withdrawn.

4. Shri Gaware, learned counsel for the applicant while trying to make out a case for grant of pre-arrest bail, would submit that the applicant is a Manager of Credit Co-operative Society and is

very much available for the investigation. He would then submit that the complainant has already entered into a settlement with the pigmy agent and in categorical terms in the said settlement, it was agreed that the society was no-way responsible for the alleged default.

5. Shri Gaware, learned counsel for the applicant then would urge that it is a dispute between the complainant and the other person (collection agent).

6. Upon perusal of the FIR, it is noted that no specific role is attributed to the applicant so as to claim that the applicant is involved in the commission of the crime in question.

7. Learned A.P.P., who is assisted by Shri G.A. Kulkarni, learned counsel for the original complainant i.e. non-applicant no.2, would submit that there are three pass-books, which are seized in the present case, in which the signature of the

applicant is appearing on the first page. It is then claimed that the alleged settlement in between the complainant and the pigmy agent is not produced before the investigating agency nor the same can be relied on for seeking bail before this Court. It is then claimed that fraud is practised on the non-applicant no.2 by taking dis-advantage of his illiteracy.

8. Having bestowed my thoughtful consideration to the submissions advanced before me, it is noted that the role attributed to the present applicant is that of a Manager of a Credit Co-operative Society, with whom initially deposit of Rs.98,200/- was made. It is then claimed that the amount was withdrawn from the account sometime in 2015 by forging his signature.

9. So far as the investigation carried out in depth depicts that there is no evidence available so as to connect the present applicant to the crime in

question.

10. Reliance placed on the passbooks and the signatures of the applicant, as is claimed, on the first page of the passbooks, will have hardly any bearing in connecting the applicant to the crime in question as the entries as regards the deposit made are neither certified by the applicant nor there is any acknowledgment to that effect.

11. The dispute in the present case particularly as regards the present applicant appears to be restricted only to the extent of operating the account for the purpose of withdrawal, which prima facie, appears to be in relation to the other accused.

12. In this background, in my opinion, in absence of any material to connect the applicant about his prima facie involvement in the commission of crime in question, the applicant is entitled to be released on pre-arrest bail. Hence, the

following order:-

13. In the event of the arrest of the applicant in Crime no.I-95 of 2016 registered with Shrigonda Police Station, Dist. Ahmednagar for the offences punishable under section 420, 465, 471 r/w. 34 of the Indian Penal Code, he be released on bail upon his executing P.R. bond in the sum of Rs.25,000/- (Rs. Twenty Five Thousand) with one surety in the like amount.

14. The applicant shall attend the concerned Police Station on 17th and 18th June, 2016 between 10 am and 12 noon and thereafter as and when called.

15. Criminal Application stands disposed of accordingly.

[N.W. SAMBRE]
JUDGE

arp/-