

Criminal Application No. 3083 of 2016

District : Latur

1. Sangram Pandharinath More,
Age : 32 years,
Occupation : Service,
R/o. Wanjar Wada,
Taluka : Jalkot,
District : Latur.
2. Satish s/o. Bharat Gaimukhe,
Age : 25 years,
Occupation : Service,
R/o. Sanjay Nagar, Latur, .. Applicants
Taluka & District : Latur. (Original accused)

versus

The State of Maharashtra,
Through Police Station,
Ahmedpur, Dist. : Latur. .. Respondent.

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Mr. H.I. Pathan, Advocate, for applicants.

Mr. S.D. Ghayal, Addl. Public Prosecutor, for
the respondent.

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CORAM : A.M. BADAR, J.

DATE : 25TH AUGUST 2016

ORAL ORDER:

Applicants / accused in Crime No. 157/2015,
for the offence punishable under Section 409 read

with Section 34 of the Indian Penal Code, registered with Police Station, Ahmedpur, District Latur, by this application, are seeking release on bail after filing of the charge-sheet.

2. Heard the learned Counsel appearing for applicant / accused. By drawing my attention to statements of witnesses, the learned Counsel argued that case of the prosecution reflects that after lodging of the FIR, present applicant no.1 Sangram More came to know about password of the ATM machine. As such, it was impossible for him to take monies from that ATM machine prior to lodging the FIR. The learned Counsel further submitted that false recovery of pay-in-slip from present applicant no.1 Sangram More, without connecting those to the crime in question is of no consequence. By drawing my attention to statement of Dhananjay Varale, the learned Counsel has argued that witness Pravin Johare had made previous statement that he received money for purchase of flat by selling land and, therefore, witness Pravin Johare stands falsified from the record of investigation. Therefore, according to the learned Counsel applicants, applicants are entitled to bail.

3. The learned Addl. Public Prosecutor opposed the application by submitting that date of coming to know about password by applicant no.1 Sangram More

may be a typographical error. The learned Addl. Public Prosecutor could not give explanation as to why the investigator had not traced out names of persons or beneficiaries in the wake of several deposits allegedly made by applicant no.1 Sangram More with some account number in ICICI Bank.

4. Perused the charge-sheet. According to the prosecution case, present applicants along with co-accused Dnyanoba Jadhav and Madhav Shirse were members of a team of SIS Prosegur Holdings Private Limited, Chennai, who was having contract of loading money in ATM machines of SBI. As per report lodged by Manager of this Company, present applicants were entrusted with loading money in ATM machine at Ahmedpur and during the period from 01.07.2015 to 14.07.2015, they had misappropriated an amount of Rs. 39,70,000/- by committing breach of trust of their employer.

5. Two co-accused are already released on bail by order of this Court dated 23rd February 2016, by holding that entire amount of Rs. 39,70,000/- is accounted from accounts of these two applicants. Upon being asked, the learned Addl. Public Prosecutor could not explain how applicant no.2 Satish Gaimukhe can be held accountable for this money. Nothing is seized from him.

6. So far as applicant no.1 Sangram More is concerned, evidence against him is of seizure of some pay-in-slip on the basis of his confessional statement. Nothing could be pointed out from papers of investigation as to who are account holders in whose accounts monies reflected in the pay-in-slip are deposited. According to the prosecution case, applicant no.1 Sangram More had handed over amount of Rs. 19,75,000/- to Pravin Johare for his utilization. His statement shows that he has purchased flat costing Rs. 17,00,000/- from that money. However, statement of Dhananjay Varale, from whom flat was purchased, goes to show that Pravin had disclosed him that he had obtained money by selling out his land.

7. In this view of the matter, on completion of investigation, further pre-trial detention of applicants is not required as the trial may it its own time and as co-accused are already released on bail by order of this Court.

8. Hence, I pass the following order :-

(a) The Application is allowed.

(b) Applicants / accused, in the above crime, be released on bail on their executing P.R. Bond in the sum of Rs. 15,000/- each and on furnishing one or more solvent sureties of the like amount by each of

them.

(c) Applicants shall not, directly or indirectly, make any inducement, threat or promise to any persons acquainted with the facts of the case so as to dissuade them from disclosing such facts either to the Court or to any police officer.

(d) Applicants shall not tamper with the prosecution evidence in any manner and shall cooperate the learned trial Judge in expeditious disposal of the trial.

(e) Applicants shall not repeat commission of similar type of offences in future.

9. The Application stands disposed of in the aforesaid terms.

(A.M. BADAR)
JUDGE

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