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

Criminal Application No. 4254 of 2016

District : Dhule

Mangilal s/o. Sedaram Vishnuia,
Age : 42 years,
Occupation : Service,
R/o. 8698, Shivkrupa Building,
Champa Galli, Kalbadevi,
Mumbai. .. Applicant.

versus

The State of Maharashtra. .. Respondent.

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Mr. R.S. Shinde, Advocate, holding for Mr. N.L. Choudhari, Advocate, for the applicant.

Mr. A.S. Shinde, Addl. Public Prosecutor, for the respondent.

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CORAM : A.M. BADAR, J.

DATE : 31ST AUGUST 2016

ORAL ORDER:

By this application under Section 439 of the Code of Criminal Procedure, the applicant / accused in Crime No. 36/2016 registered with Police Station, Azadnagar, Dhule, for offences punishable under Sections 420, 465, 467, 468, 470, 471 and 472 of the Indian Penal Code, is seeking his release on bail after filing of the charge-sheet.

2. Heard the learned Counsel appearing for the applicant / accused. He argued that role attributed to the present applicant is that of withdrawal of Rs. 1,00,000/- from account of Sanket Enterprises at the instance of co-accused Jalaram. The learned Counsel submits that the present applicant was an employee of co-accused Jalaram and withdrawal of the amount in the capacity of employee.

3. The learned Addl. Public Prosecutor opposed the application by contending that amount more than Rs. 4,00,000,00/- is involved in this financial scam in which the Agricultural Department of the State Government is cheated.

4. Perusal of papers of investigation shows that Punjab National Bank is banker of the Superintending Agriculture Officer, Dhule. The said office is having three accounts with Punjab National Bank. The Superintending Agriculture Officer found that on the basis of two forged cheques, an amount of Rs. 58,00,000/- and rs. 3,42,78,000/- was transferred from the account of the Superintending Agricultural Officer in Punjab National Bank, Dhule, to the account of Sanket Enterprises, Kalbadevi, Mumbai, with the Syndicate Bank. Subsequently the said amount was siphoned to the accounts of Dnyaneshwari

Multi-State Urban Credit Co-operative Society and Kushal Export maintained by ICICI Bank, Bank of India and Yes Bank.

5. It is not in dispute that role attributed to the present applicant is that of withdrawal of amount from the account of Sanket Enterprises at the instance co-accused Jalaram - employer. Considering the nature of averments against present applicant in the crime in question, his further pre-trial detention is not warranted.

6. Hence, I pass the following order :-

(a) The application is allowed.

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

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

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

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

(A.M. BADAR)
JUDGE

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