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

Criminal Application No. 4268 of 2016

District : Aurangabad

Shaikh Tasneem Qaisar
@ Neha D/o. Mohmmad Gani,
Age : 32 years,
Occupation : Business,
R/o. Alankar Society,
Garkheda Parisar,
Aurangabad. .. Applicant.

versus

The State of Maharashtra,
Through the Police Station,
Mukundwadi, Aurangabad. .. Respondent.

....

Mr. J.M. Murkute, Advocate, for the applicant.

Mr. S.J. Salgare, Addl. Public Prosecutor, for the respondent.

....

CORAM : A.M. BADAR, J.

DATE : 16TH AUGUST 2016

ORAL ORDER:

The applicant / accused in Crime No. 506/2016, registered with Mukundwadi Police Station, Aurangabad, for offences punishable under Sections 406, 420, read with Section 34 of the Indian Penal Code and under Sections 66B, 66C and 66E of the

Information Techonology Act, by this application is seeking pre-arrest bail.

2. Heard the learned Counsel appearing for the applicant / accused. He argued that the present applicant is wife of main accused Sk. Ajim Sk. Maheboob. She has divorced said Sk. Ajim Sk. Maheboob in the year 2013 and since then, she is not residing with Sk. Ajim Sk. Maheboob at Naigaon, District Nanded. The learned Counsel further argued that the applicant is in no way concerned with withdrawal of the amount from the savings bank account of informant Aruna Rajendra Renge by using her ATM card.

3. The learned Addl. Public Prosecutor opposed the application by contending that the record of the bank shows that the amount has been withdrawn from the account of informant Aruna Rajendra Renge from Naigaon by using the ATM card.

4. Perused the papers of investigation including the FIR lodged by informant Aruna Rajendra Renge. It is seen that her husband died on 24.12.2012. Thereafter, she received insurance claim of Rs. 2,58,415/- in respect of her deceased husband. Subsequently, she has also received amounts of Rs. 1,29,479/- and Rs. 1,87,730/- in April 2013. According to the informant, after death of her

husband, co-accused Sk. Ajim Sk. Maheboob and his wife i.e. present applicant became acquainted with her as Sk. Ajim Sk. Maheboob was working as agent of Saving Group of Women. It is averred by the informant that as she is illiterate, her banking transactions were done by present applicant Neha d/o. Mohmmad Gani as well as her husband i.e. co-accused Sk. Ajim Sk. Maheboob. According to the informant, her ATM card was stolen by the present applicant and subsequently huge amount came to be withdrawn from her savings bank account by using that ATM card.

5. Record of investigation do show that the amount is withdrawn from bank account of the informant by using the ATM card and withdrawal is shown to have been made from Naigaon, where, according to the prosecution case, the applicant as well as her husband were residing. There are statements of several witnesses who stated that banking transactions of the informant were done by the present applicant as well as her husband Sk. Ajim Sk. Maheboob.

6. Though it is averred by the present applicant that she has divorced her husband in the year 2013, the document to that effect shows that the stamp paper on which the divorce deed is scribed, was issued by the Treasury on 31st January 2013. That stamp paper appears to have been given to the vendor

on 2nd February 2013. However, averments in the divorce deed shows that the present applicant and her husband Sk. Ajim Sk. Maheboob had given divorce on 13.01.2013.

7. Considering the fact that there is prima facie evidence to show that bank transactions of the informant were done by the present applicant and that fact that amount from her bank account came to be withdrawn from Naigaon, District Nanded, where the present applicant was residing, as per the prosecution case, no case for pre-arrest bail is made out. The amount withdrawn from the account of the informant will have to be traced out.

8. Hence, the Application is rejected.

(A.M. BADAR)
JUDGE

....