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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO.5277 OF 2016

Shaileshkumar Ganeshmal Jain,
Age: 41 years, Occ: Business,
R/o. Shailesh Bari Park,
Mira Society, Near Pune Garden,
Pune.

..APPLICANT

VERSUS

The State of Maharashtra
Through Azadnagar Police Station,
Dhule, Dist. Dhule.

..RESPONDENT

Mr R.R. Mantri, Advocate h/f Mr N.L. Choudhari,
Advocate for applicant;
Mr S.D. Ghayal, Addl. Public Prosecutor for
respondent

CORAM : A.S. CHANDURKAR, J.

DATE : 17th NOVEMBER, 2016

ORAL ORDER :

Present application filed under Section 439 of the Code of Criminal Procedure seeks release of the applicant on bail, as he has been arrested on 7th April, 2016 with regard to Crime No. 36 of 2016 for offences punishable under Sections 420, 465, 467, 409, 468, 470, 471, and 472 of the Indian Penal Code.

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2. As per the first information report lodged by the District Superintendent Agriculture Officer, it is alleged that certain amounts came to be withdrawn from the account of the Agriculture Office maintained with the Punjab National Bank. On 6th April, 2016, amounts of Rs.58,00,000/- and Rs.3,42,78,000/- came to be so withdrawn. On making enquiries it was learnt that the amounts withdrawn were not at the behest of the account holder. After such withdrawal, the amounts were transferred to various other banks. After completion of investigation, charge sheet has been duly filed. Insofar as the present applicant is concerned, it appears that he was found in the premises of one Dnyaneshwari Multi-State Urban Co-operative Credit Society Limited with intention to withdraw the amount of Rs.1,10,00,000/-. He was thereafter apprehended and arrested.

3. It is submitted on behalf of the applicant that the applicant has not been named in

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the first information report. The only allegation against the present applicant is that he was intending to withdraw the amount of Rs.1,10,00,000/- from Dnyaneshwari Multi-State Urban Co-operative Credit Society Limited. Only on that apprehension, the applicant has been arrested. It is further submitted that as the entire investigation is now complete and charge sheet has been filed, there is no reason to further detain the applicant.

4. The application is opposed by learned Additional Public Prosecutor by relying upon the affidavit filed on behalf of the Investigating Officer. It is submitted that due to the timely arrest of the applicant, the amount of Rs.1,10,00,000/- could not be withdrawn. He further submitted that other co-accused are still not arrested and hence present application is liable to be rejected.

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5. Perused the first information report, as well as charge sheet and affidavit filed on behalf of the Investigating Officer. In paragraph-6 of the said affidavit, it has been stated that when the investigating team visited Dnyaneshwari Multi-State Urban Co-operative Credit Society Limited, it noticed that the applicant was intending to withdraw the amount in question. At that point of time he came to be arrested. It is, therefore, clear that the applicant was not successful in withdrawing any amount whatsoever. After conducting necessary investigation, the charge sheet against the present applicant has been filed. Considering limited role alleged against present applicant and considering the observations made by this Court while granting bail to other co-accused in Criminal Application No. 4254 of 2016 by order dated 31st August, 2016, further detention of the present applicant is not required.

6. Accordingly, following order is passed:-

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(a) 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.

(b) 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.

(c) 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.

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

7. Criminal Application is allowed on above terms and disposed of.

(A.S. CHANDURKAR, J.)