

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

CRIMINAL APPLICATION NO. 5330 OF 2016

1. Urmila Balwant Deshmukh .. Applicants
Age. 51 years, Occ. Household
2. Rushikesh Balwant Deshmukh
Age. 30 years, Occ. Service
3. Bhagyashree Balwant Deshmukh
Age. 26 years, Occ. Service,
All R/o. Sarthak Plot 72 Gut No.149,
Chatrapati Nagar, Satara Parisar,
Aurangabad.

Versus

The State of Maharashtra .. Respondent

Mr.A.K. Bhosale, Advocate for the applicants.

Mr.S.B. Yawalkar, APP for respondent/State.

CORAM : A.M. BADAR,J.

DATED : 05.10.2016

P.C. :-

1. Learned Counsel for the applicant submits that application qua applicant No.2 Rushikesh Balwant Deshmukh and applicant No.3 Bhagyashree Balwant Deshmukh is not being pressed and he may be permitted to withdraw their application.

2. In this view of the matter, the application so far as applicant Nos. 2 & 3 is concerned, is disposed of as withdrawn.

3. Applicant No.1-Urmila is an accused in Crime No.455 of 2016, registered with Sadar Bazar Police Station, Dist. Jalna for the offences punishable under section 409 and 420 of the Indian Penal Code. By this application, she is praying for pre-arrest bail.

4. Learned A.P.P. opposed the application by contending that the amount involved is huge and therefore custodial interrogation of the applicant is warranted.

5. Perused the papers of investigation. The crime in question is registered on the basis of report lodged by Sangramkishori Gurucharan Sahu, Chief Manager of State Bank of India, Jalna Branch. According to the prosecution case, main accused - Balwant Yashwant Deshmukh was earlier working in the managerial capacity with main branch of State Bank of India, Aurangabad and at that place he had committed misappropriation of more than Rs.71 lakhs. It was detected and thereafter the main accused had deposited entire amount with the bank. Therefore, State Bank of India has decided to examine affairs of various branches where main accused Balwant Deshmukh had worked. The informant further averred that main accused - Balwant was working in Jalna branch of State Bank of India. At that place, on examination of

record, the bank had found that an amount of Rs. 1,22,81,978=50 is misappropriated by the accused. Perusal of the F.I.R. goes to show that from debit account as well as ATM account of the State Bank of India, Jalna Branch, the said amount was transferred in several accounts in the name of Balwant Deshmukh, Rushikesh Deshmukh and Bhagyashree Deshmukh. The F.I.R. does not show that any amount is transferred to the account of present applicant or that any misappropriated amount has been paid to her. Merely because co-accused are her relatives, she cannot be subjected to custodial interrogation, when, prima facie, there is no evidence to connect her with the crime in question. As such following order :-

O R D E R

- i. The application is allowed.
- ii. In the event of her arrest in Crime No.455 of 2016, registered with Sadar Bazar Police Station, Dist. Jalna, for the offences punishable under sections 409 and 420 of the Indian Penal Code, applicant – Urmila Balwant Deshmukh, be released on bail on executing P.R. Bond of Rs.20,000/- (Rupees Twenty Thousand) and on furnishing surety in like amount.

iii. As a condition of this order, the applicant shall not extend any threat, inducement or promise to the persons acquainted with the facts of the accusation so as to dissuade them from disclosing the same either to the police to the Court.

iv. The applicant shall not tamper the evidence of the prosecution.

v. As a condition of this order, the applicant/accused shall attend concerned police station on 17th October, 2016 in between 11.00 a.m. to 01.00 p.m. She should co-operate the investigation.

vi. Needless to mention that the application qua rest of the applicants is disposed of as withdrawn.

[A.M. BADAR, J.]