

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE SIDE

BAIL APPLICATION NO.586 OF 2016

Mrs.Maharuk Zarir Suraliwalla	...	Applicant
V/s.		
The State of Maharashtra & Anr.	...	Respondents

Mr.Vijay V. Nene, Advocate for the Applicant.
Ms.S.S.Kaushik, APP for the Respondent/State.
Mr.V.P.Chalke, PSI, Sion Police Station, Mumbai is present.

CORAM : P. N. DESHMUKH J.

DATED : 14th JUNE 2016.

P.C.

1. Applicant involved in Crime No.349 of 2014 registered by Sion Police Station for the offences punishable under Sections 406, 409, 420, 465, 467 and 468 of the Indian Penal Code and under Sections 66B, 66C and 66D of the Information Technology Act has filed application for grant of bail. The learned counsel for the applicant has submitted that charge sheet in the present case is filed on 26/02/2016, while applicant came to be arrested on 29/12/2015 and since then is lodged in jail. His application was rejected by the Sessions Court by its order dated 14/03/2016.

2, It appears to be the case of the prosecution that applicant, while working as Manager with Punjab National Bank,

Sion Branch in July 2011, had obtained loan to the extent of Rs.1,46,900/- and thereafter by using confidential user ID of herself along with that of informant Kondaraman Balakrishnan got amount of Rs.1,67,93,150/- transferred in her account, and has thus misappropriated the said amount.

3. The learned counsel for the applicant has invited my attention to the affidavit-in-reply filed by the respondent before the trial Court as well as before this Court and has pointed out contradictory statement to the effect that applicant has misused password of complainant Kondaraman Balkrishnan, while in its reply filed before the trial Court, name of person whose password is alleged to be misused by the applicant, is stated as of one Santlal Dal. The trial Court appears to have rejected the application holding that the offence committed is serious in nature, and the applicant is likely to abscond, and tamper with the evidence.

4. Having considering the facts, as aforesaid, the learned trial Court appears to have not considered the fact that the alleged offence has taken place between March 2013 to October 2013 of which FIR is lodged by the Bank Manager on 01/11/2014 when the applicant was working in her capacity as Manager, Loans Department and on registering offence, applicant came to be arrested on 29/12/2015. It is material to note that since the date

of arrest, applicant is in jail, who is aged about 62 years, and there appears to be apparent delay of almost one year in lodging the FIR. Now, the charge sheet is already filed.

5. The learned Additional Public Prosecutor, on seeking instructions, states that recording of evidence of complainant is in progress. The learned counsel for the applicant further submits that evidence of complainant have commenced in March 2016 and this is the first witness of whose evidence is yet to be completed. It is pointed out that in all ten witnesses are cited in the charge sheet.

6. Having considering above facts, and as it is noted that the investigation is entirely based on documentation, which must have been already attached with the charge sheet, and as the evidence is already commenced, and having considering the age of applicant, who admittedly was working as a Manager, Loans Department, Punjab National Bank, Sion Branch, the application is disposed of by passing following order to meet the ends of justice.

- (i) The learned trial Court who is seized with the CC No. 335/PW/16 arising out of crime No.349 of 2016 registered by Sion Police Station shall made endeavour to dispose of present case within four months from the date of receipt of this writ.

(ii) In the event of non-completion of the Sessions trial within above stipulated period, the applicant shall be at liberty to move this Court for bail.

7. Application stands disposed of in the above terms.

(P. N. DESHMUKH J.)