IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CRIMINAL APPLICATION (ABA) NO. 387 OF 2016

(Avinash Dhondiram Bhimte Vs. The State of Maharashtra)

Office Notes, Office Memoranda of Coram, appearances, Court's orders of directions and Registrar's orders	Court's or Judge's orders

Shri R. R. Vyas, Advocate with Shri Girish Purohit, Advocate for the applicant.
Smt. M. S. Naik, A.P.P. for the State.

CORAM : S. B. SHUKRE, J.
DATED : 11 JULY, 2016

Heard learned Counsel for the applicant and the learned A.P.P. for the State.

Learned Counsel for the applicant submits that the main accused in this case, Vijendra Mutkure, has been granted regular bail and Rampal Yadav has also been enlarged on bail. He also submits that Vijendra Mutkure has given an undertaking to the Court that he would be depositing an amount of Rs.18,00,000/- per month from the date of his release towards repayment of the loan taken by him from the Bank. He further submits that this applicant has not played any role in the crime registered against him.

According to the learned A.P.P. for the State, this applicant is one of the co-accused persons who possibly could have made forgery of various Bank documents and unless his custodial interrogation is carried out, this applicant would not reveal anything. She submits that since an amount of Rs.1,97,000/-, which is believed to be the proceeds of the fraudulent act of the accused persons, has been received by this applicant, the applicant may have played major role in facilitating the main accused in

committing fraud with the Bank.

I would have accepted the argument advanced by the learned Counsel for the A.P.P. had there been any material to support the allegation that this applicant had played some role in forging the Bank documents. Merely, because this applicant has received in his account some amount, which is said to be Rs.1,97,000/-, it cannot be said that this applicant must have played any role in commission of the offence against him and others. In fact, an amount of Rs.1,97,000/-, as seen from the reply of the prosecution, has been deposited in the account of this applicant when the cheque issued to him by the proprietor of one concern by name H. R. Enterprises was encashed. This cheque was not issued to the applicant by the main borrowers of the Bank. There is no material, as of now, to prima facie show that this amount or such transfer of funds has any connection with the amount allegedly received in fraudulent manner by the main borrowers. Except for the said transfer of funds, there is absolutely no material to suggest anything which would incriminate the present applicant in the crime registered against him. Therefore, I find substance in the argument of the learned Counsel for the applicant and I am of the view that this application deserves to be allowed.

The application is allowed.

Interim bail granted to the applicant by order dated 21/6/2016 is hereby confirmed on the same terms and conditions.

JUDGE

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