

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

CRIMINAL APPLICATION (BA) NO.940 OF 2016

(Ravindra s/o Sunderlal Manekar ..vs.. State of Maharashtra, through PSO, PS Pratapnagar, Nagpur)

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

Court's or Judge's orders

Shri R.M. Daga, Advocate for applicant,
Shri V.P. Gangane, Addl.P.P. for non-applicant.

CORAM : P.N. DESHMUKH, J.
DATED : 07-12-2016

Heard Shri R.M. Daga, learned Counsel for
applicant and Shri V.P. Gangane, learned Additional
Public Prosecutor for non-applicant.

This application is for bail by accused involved in
Crime No.313/2015 registered by Pratapnagar Police
Station, Nagpur for the offences punishable under
Sections 420, 419, 465, 467, 468, 471, 472, 473, 475,
201 read with 34 of the Indian Penal Code. Learned
Counsel for applicant has contended that investigation is
complete and charge-sheet is already filed. It is
contended that out of the offences registered against
applicant, except for offences punishable under Sections
420 and 467 of the Indian Penal Code other offences are
bailable and that applicant is in custody since
01-10-2015. It is pointed out that even according to the
documents filed in the charge-sheet, the only role
attributed to applicant is procuring duplicate sim cards

on the basis of forged documents and on procuring such sim card from Malegaon obtained OTP number to withdraw amount from State Bank of India account of complainant by Internet. Admittedly it is no case as revealed from the charge-sheet that any amount was transferred from by applicant by Internet.

Learned Counsel for applicant has contended that in fact co-accused Nibesh Maiti who according to the charge-sheet had transferred amount of Rs.5,00,000/- from the bank account of father of complainant with Bank of India to his account in Calcutta, has been released on bail. Out of said amount of Rs.5,00,000/-, amount of Rs.2,69,121/- is disbursed by said co-accused to his accomplice Jogirajsingh and rest of the amount out of Rs.5,00,000/- has been freezed in the account of co-accused Nibesh.

It is pointed out for applicant that in the set of above circumstances, co-accused Nibesh is already granted bail by this Court observing that except for such transfer of funds, there is no material available on record from which it could be *prima facie* said that there was any criminal intention on the part of said applicant and having considered that charge-sheet is already filed, application of said accused was allowed on conditional order.

Case of applicant, when considered against

applicant who is released on bail by this Court, appears to be on a much better footing as according to the charge-sheet it is no case of prosecution that present applicant on the basis of any forged documents on obtaining sim card had transferred any amount by Internet either to his account or to anybody elses account from the account of complainant or his father Sandeep Singhal.

Shri R.M. Daga, learned Counsel for applicant in the light of facts involved in the present application has referred to the observations of the Hon'ble Apex Court in the case of *Ashok Dhingra vs. N.C.T. of Delhi* reported in *AIR 2000 SC 3537(1)*, wherein while considering application for grant of bail, accused having been involved for the offences punishable under Sections 120-B, 420, 468, 471 and 506 of the Indian Penal Code, who was alleged to have cheated Japanese national by siphoning sum to the extent of Rs.65,00,000/- was found entitled to be released on bail noticing that the applicant was in custody from July 1999 till December 1999 and therefore, to continue to detain him during the pre-trial stage may not be in the interest of justice. As such application was allowed by confirming the interim order.

In the case in hand, applicant is admittedly in custody for more than one year. Charge-sheet is already filed. Case of applicant as stated aforesaid is placed on

better footing than the case of co-accused Nibesh, who is released on bail by this Court.

In that view of the matter, application is liable to be allowed by imposing suitable conditions as per order below.

Order

(i) Applicant shall be released on bail on his executing P.R. Bond in the sum of Rs.50,000/- with one solvent surety in the like amount.

(ii) Applicant shall mark his presence with Pratapnagar Police Station, Nagpur once in three months pending trial preferably on first day of each such month.

(ii) If applicant is holding Passport, he shall produce it with Investigating Officer.

Application is accordingly allowed.

JUDGE