

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

CRIMINAL APPLICATION (ABA) NO.778 OF 2016

(Rakesh s/o Dharamchand Saisi and another ..vs.. State of Maharashtra, through PSO, PS Deori,
District Gondia)

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

Court's or Judge's orders

Shri T.U. Tathod, Advocate for the applicants,
Shri S.D. Sirpurkar, Addl.P.P. for the non-applicant.

CORAM : P.N. DESHMUKH, J.
DATED : 15-12-2016

This is an application for bail before arrest in Crime No.69/2016 registered by Police Station Deori, District Gondia for the offences punishable under Sections 417, 419, 420, 380, 421 and 424 of Indian Penal Code. It appears to be the case of prosecution that on 09-05-2016, applicants on the pretext of assisting complainant for withdrawing cash from ATM, secretly exchanged the ATM Card of complainant with duplicate card and on coming in possession of complainant's card withdrew amount of Rs.17,000/- and thereafter continued to withdraw such amounts in various denominations totalling to Rs.1,01,500/- from the account of complainant.

Learned Counsel for applicants has tendered at par copy of charge-sheet and has submitted that there is

an endorsement of complainant he has amicably settled the dispute with applicants and does not want to prosecute further. From the record it reveals that amount of Rs.1,01,500/-, withdrawn by applicants from complainant's account has been refunded back by them to complainant. Considering this aspect, applicants were protected from their arrest by interim order and were directed to attend Investigating Officer. It is no case of prosecution that applicants have misused the liberty granted to them or have not complied with the order.

In view of statement of complainant made in charge-sheet as aforesaid, learned Counsel for applicants states that he would also initiate proceedings for quashing of First Information Report. In that view of the matter, as nothing is required to be now recovered and charge-sheet is already filed, application is liable to be allowed as per order below.

Order

(i) Interim protection granted to applicants stands confirmed on the same terms and conditions.

(ii) Applicants shall, however, mark their presence with Police Station Deori, District Gondia quarterly on the first day of each such month pending trial.

(ii) Applicants shall produce proof of their residence with Investigating Officer and shall update the same in the event of change in near future.

JUDGE

adgokar