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

Criminal Application No. 01034 of 2017

District : Dhule

Gaurang Vaidyanath Dasvishwas,
Age : 57 years,
Occupation : Service,
R/o. Plot no.3,
Indumati Heights,
Samrat Nagar, Dhule,
Taluka & District Dhule. .. Applicant.

versus

The State of Maharashtra,
Through Azadnagar Police
Station, Dhule,
District Dhule. .. Non-applicant.

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Mr. R.S. Shinde, Advocate, holding for
Mr. N.L. Choudhari, Advocate, for the applicant.

Mr. S.J. Salgare, Addl. Public Prosecutor, for the non-applicant.

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CORAM : T.V. NALAWADE, J.

DATE : 24TH MARCH 2017

ORAL ORDER :

By the present application, the applicant is seeking his release on bail in connection with Crime No. 36/2016 registered with Azadnagar Police Station, District Dhule, for offences punishable under Sections 420, 465, 467, 468, 470, 471 and 472 of the Indian Penal Code.

02. Both the sides are heard.

03. It was submitted that this is second bail application filed by the applicant after filing of the charge-sheet. In Criminal Application No. 5351 of 2016, this Court on 17.11.2016 allowed the applicant to withdraw the application with liberty to apply afresh, if the trial is not commenced within a period of three months. It is submitted that even charge is not framed in the matter and there has been the change in circumstance.

04. The record of investigation and particularly FIR shows that the present applicant was working as Senior Manager in Punjab National Bank, Branch at Dhule. The complainant was working as District Superintendent Agriculture Officer. Allegation is made that the Government money was there in his accounts from Punjab National Bank, Dhule, to tune of Rs. 4,00,78,000/- and he realized that this amount was transferred in various accounts like the account of one Jalaram Punamaram Bishnoi in his account in Syndicate Bank, Kalbadevi, Mumbai. Amount of Rs. 55,00,000/- was shown to be transferred in the account from Dnyaneshwari Multi-State Urban Credit Co-operative Society and the amount of Rs. 55,00,000/- was shown to be transferred in the account from State Bank of India, Mumbai. Similarly, amount of Rs. 71,66,900/- was shown to be transferred in the account of Dipakkumar Banwarilal Agrawal, who

had account in the name of Kushal Export in Yes Bank at Mumbai.

05. When this fraud was realized, Police took immediate action and watch was kept. When one Shaileshkumar Ganeshmal Jain came to the office of Bank of India and ICICI Bank to withdraw the amounts which were lying there and which were transferred by RTGS from the account of Government, he was taken in custody. During interrogation, it revealed that the present applicant had made a plan and as per his plan, aforesaid amounts were transferred by RTGS mode for grabbing those amounts. Modus operandi used was use of blank cheques of Punjab National Bank and by using magic pen, initial number of the cheque was scored and new numbers were written to show that the cheques were issued on the account of the Government. Thus, only due to the present applicant, the offence took place and the amounts were diverted.

06. Learned Advocate for the applicant submitted that the applicant is behind the bars for about 11 months. He submitted that the applicant is permanent resident of Kolkata but since last more than 30 years, he has been serving in Punjab National Bank and he is working in Maharashtra. Submissions made show that the applicant has no landed property in Maharashtra. Submissions made further show that most of the amount which was transferred from Government account by RTGS mode is recovered. However, the fact remains that the amount was not deposited in the

Government account for one month and to that extent loss is caused to the Government. This circumstance cannot be ignored and some condition in that regard needs to be imposed. Further, in view of the circumstance, that the applicant is not having landed property in Maharashtra, some condition needs to be imposed so that he will not abscond.

07. In the result, the Application is allowed. The applicant - accused is directed to be released on bail, in connection with Crime No. 36/2016 registered with Azadnagar Police Station, District Dhule, for offences punishable under Sections 420, 465, 467, 468, 470, 471 and 472 of the Indian Penal Code, on his executing P.B. of Rs. 5,00,000/- [Rupees five lacs] with solvent surety of the like amount from Maharashtra, on the following conditions :-

(i) In addition, the applicant shall deposit Rs. 5,00,000/- [Rupees five lacs] in the aforesaid account of Government and the amount shall be available to the Government for its use in the said account. This shall be condition precedent for releasing the applicant on bail.

(ii) The applicant - accused shall not leave Dhule District without prior permission of Sessions Court, Dhule, till disposal of the case filed against him.

(iii) He shall deposit his passport, if he is having, in the concerned Police Station. This shall also be condition precedent for releasing him on bail.

(iv) The applicant shall not indulge into commission of similar offences after his release on bail.

(v) The applicant shall not contact any of the prosecution witnesses and he shall not tamper with the prosecution evidence in any manner whatsoever.

(vi) The applicant shall attend the trial against him on the dates fixed by the trial Court.

(T.V. Nalawade)
JUDGE

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