

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 2736 OF 2017

ANIVRUDHA MANIK ADSUL AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicants : Mr Bayas Anandsingh
APP for Respondents: Mr A S Shinde

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CORAM : V.K. JADHAV, J.
Dated: August 07, 2017
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PER COURT :-

1. The applicants/accused seeking pre-arrest bail in connection with crime No.50/2017 registered at Police Station Bhingar Camp, Ahmednagar for the offences punishable under sections 406, 420, 465, 468 read with 34 of Indian Penal Code.

2. Application seeking similar relief came to be rejected by the Additional Sessions Judge, Ahmednagar by order dated 6.5.2017 in Misc. Cri Appln No.401/2017.

3. Brief facts, giving rise to the present application are as follows :-

a] On the basis of the complaint lodged by Manager

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of State Bank of India, Main Branch, Ahmednagar, aforesaid crime came to be registered at Bhingar Camp Police Station, Ahmednagar. It has been alleged in the complaint that, the complainant Manager received a phone call from Calcutta that three cheques amounting to Rs.1,43,50,000/- came to be deposited in the account of Sakeshwar Gramin Vikas Seva Sanstha, however, those cheques have not been issued by the Century Plyboards Ltd., Calcutta. It has been further alleged in the complaint that, said three cheques are false and bogus. It further appears from the record of the Bank that, the amount of Rs.1,30,00,000/- came to be transferred in the account standing in the name of Sou. Sundarbai Aadsul Polytechnique College and an amount of Rs.13,75,000/- came to be deposited in the account maintained by Sakeshwar Gramin Vikas Seva Sanstha.

4. Learned counsel for the applicants submits that, the applicant No.1 is the president of the said Educational Institution named and styled as Sakeshwar Gramin Vikas Seva Sanstha, whereas, applicant no.2 is

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a Treasurer. The applicants have received said cheques through post in an envelope with a covering letter signed by the authorized person of the said company Century Plyboards Ltd., Calcutta, stating therein that company has sent those three cheques as a donation to the said educational institutions. Consequently, the applicants have deposited said cheques in the account of the Institution and accordingly, those cheques are realized and amount has been transferred to said account. Learned counsel for the applicants submits that, thereafter the applicants have transferred certain amount to account of the college run by the same institution through the Bank. Learned counsel submits that, the applicants have disclosed all these facts to the investigating officer and also submitted said envelope and covering letter before the Investigating Officer. Learned counsel submits that, the applicants have not withdrawn a single pais from the said amount by cash transaction and amount came to be transferred to the accounts of the other college run by the same institutions for some expenses likely to be incurred by

the said college. Learned counsel submits that, the applicants returned entire amount to the bank. Learned counsel submits that, the applicants are the respectable persons and their antecedents are clear. They are holding the post of President and Treasurer of a reputed institution and they are not likely to be involved in such type of crime. There is nothing revealed during the course of the investigation that these applicants have prepared those false and bogus cheques.

5. The learned APP submits that, so far as those three disputed cheques are concerned, other contents of the cheques are printed, however, dates have been manually written on those cheques. The learned APP submits that, specimen handwriting of the applicants are required to be sent to the hand writing expert to find out their involvement in the alleged crime. Learned APP submits that, Manager of the State Bank has lodged the complaint against the applicants when it was revealed that those three cheques are bogus. Even, the Manager

of the State Bank of India has received a Phone Call from the company that the company never sent those cheques to such an educational institutions. The learned APP submits that, thorough investigation is required and as such, custodial interrogation of the applicants is required.

6. On careful perusal of the complaint, and investigation papers, it appears that, the applicants have disclosed to the investigating officer about receipt of those cheques through post with a covering letter signed by the authorized person of the said company Century plyboards Ltd, stating therein that those cheques have been sent as a donation for the educational institution run by the applicants in the rural area. It is also a part of the record that the applicants have deposited those cheques in the account of institution and not in their personal account and transferred certain amount to the College run by their institution for certain expenses. It is also a part of record that after registration of the crime, the applicants

have re-deposited the said amount immediately in the bank. Though, investigation is required to find out as to how those false and bogus cheques have been sent to the educational institutions, in the given set of facts, custodial interrogation of the applicants is not required. The applicants being a President and Treasurer of the reputed Institution are easily available for interrogation. Thus, by imposing certain conditions, this application can be disposed of in terms of the prayer clause. Hence, following order.

O R D E R

1. Application is hereby allowed.
2. In the event of the arrest of the applicants 1- Anivrudha Manik Adsul, 2- Parmeshwar Manik Adsul, in connection with crime No.50/2017, registered at Police Station Bhingar Camp, Ahmednagar, they be released on Bail on their furnishing P.B. of Rs,15,000/- (Rs. Fifteen Thousand), each, with one surety of the like amount on the following conditions :-

- a] The applicants shall not tamper the prosecution witnesses in any manner and shall make themselves available as and when required by the Investigating Officer for further investigation.
 - b] The applicants shall attend the concerned police station once in a week i.e. on every SUNDAY between 09.00 am to 11.00 am till the charge sheet is filed.
3. Application is accordingly disposed of.

(V.K. JADHAV, J.)

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