IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 746 OF 2017

Manish Mittal ...Applicant
Versus
State of Maharashtra ...Respondent

Mr. S. V. Kotwal i/b Mr. Kamlesh Y. Mali for the Applicant

Mr. Deepak Thakare, A.P.P for the Respondent-State

PC Mr. Sanket Kasar from EOW, Nashik Rural, is present

CORAM : REVATI MOHITE DERE, J.
FRIDAY, 21st APRIL, 2017

P.C. :

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

2. By this application, the applicant seeks his enlargement on bail in connection with C.R. No. 140 of 2016 registered with the Manmad Police Station, Nandgaon, Nashik, for the alleged offences punishable under Sections 406, 408, 409, 418, 420, 465, 467, 468, 470, 471, 472, 477A r/w 34 of the Indian Penal Code and under Section 66A of Information Technology Act.

3. Learned Counsel for the applicant submits that the applicant was an Officer of Dena Bank, Manmad Branch, at the relevant time. He submits that the allegations are essentially as against the accused No.3-Harshal Chapke, who was operating a single window and accused No. 5-Dashrath Jadhav, who was a watchman of the said Bank. He submits that there is no recovery of any monies from the applicant nor is there anything to show that the applicant benefited from the said fraud.

4. Perused the papers. The applicant was an employee of Dena Bank. According to the prosecution, 15 pension accounts were used by the accused, of persons who were dead. It is alleged that from the said pension accounts, monies were withdrawn on the basis of the withdrawal slips and 10 ATM cards were also used for withdrawing amounts from time to time. Out of the six accused, three were single window operators, two were officers and one was watchman. The allegation is that all the accused prepared bogus documents, bogus withdrawal slips by making fake entries in the Bank Register and issued ATM cards, pursuant to which, an amount of Rs. 61,53,980/- was misappropriated. It appears that the applicant's user ID was also used for some of the entries and amounts were withdrawn. It

appears that co-accused Keerti Sharma has been enlarged on bail by this Court vide order dated 9th March, 2017 passed in Bail Application No. 501 of 2017.

5. Learned A.P.P is unable to show that any amount has been received by the applicant in his personal account or that there is recovery of any money at the instance of the applicant. Learned A.P.P is unable to show as to how the applicant has been benefited from the said fraud.

6. The applicant has been in custody since 14th November, 2016. Investigation is complete and charge-sheet is filed. Considering the aforesaid, the application is allowed and the applicant is enlarged on bail on the following terms and conditions :

ORDER

(i) The applicant be enlarged on bail, on executing PR Bond in the sum of Rs. 50,000/- with one or two sureties in the like amount;

(ii) The applicant shall not leave the Country without prior permission of the trial Court;

(iii) The applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

(iv) The applicant shall inform his latest place of residence and mobile contact number and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

(v) The applicant to cooperate with the conduct of the trial.

7. The application is accordingly disposed of.

8. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

9. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.