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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.978 OF 2017

Dashrath Prakash Jadhav ..Applicant.
V/s.
The State of Maharashtra ..Respondent.

CRIMINAL BAIL APPLICATION NO.953 OF 2017

Raghunath Madhav Shinde ..Applicant.
V/s.
The State of Maharashtra ..Respondent.

CRIMINAL BAIL APPLICATION NO.1001 OF 2017

Omnikumar Prabhuchand Prasad ..Applicant.
V/s.
The State of Maharashtra ..Respondent.

Mr.Aniket Nikam i/b. Mr.Aashish Satpute for the Applicants in BA/978/2017 & BA/953/2017.

Mr.Aniket Nikam i/b. Mr.Chetan Damre for the Applicant in BA/1001/2017.

Ms. S.S.Kaushik, APP for the Respondent-State.

Mr.Jalinder Pale, API, EOW, Nashik Rural.

CORAM : T.V.NALAWADE, J.

DATED : 9 AUGUST 2017

P.C.:-

These applications are filed in Crime No.140/2016 registered with Manmad police station, Nashik for the offence punishable under sections 406, 408, 409, 420, 465, 467, 468, 470, 472, 477(A) and 201 of the IPC and section 66(A) of the Information Technology Act on the basis of report given by Vinit Kapur. The charge-sheet is already filed. Heard both the sides.

2. The Applicants were employees of Dena Bank, Manmad Branch. They were given user *id code* number by the bank. They were also given secret *password number* of the computer system of the bank. The allegations made are that by misusing the password and user *id code*, these persons diverted and misappropriated the amounts lying in 50 pension accounts of deceased pensioners. A peculiar *modus operandi* was used by them. They had already prepared ATM cards for withdrawing amounts from these accounts. Particulars of these accounts are given in the papers and by using this *modus operandi* and also by using withdrawal slips, an amount of Rs.61,53,980/- was withdrawn and misappropriated by these

persons.

3. Similarly, from loan account of one Ravikant Dagduji Pawar, amount of Rs.21,000/- was withdrawn and misappropriated. Thus, amount of Rs.23.63 lakhs was withdrawn by using withdrawal slip and for that Harshal had played the role as cashier. The activities of these persons were recorded in CCTV footage when they were collecting the amount from ATM. Accused Dashrath Jadhav, the watchman of the ATM center had helped them and he had got consideration for that. Some amounts was directly transferred in the accounts of accused like an amount of Rs.10,500/- was transferred to the account of Harshal from the account of Ravikant Pawar. Some amount was transferred in the name of wife of accused Omikumar. Thus, false records of withdrawal slip transaction entries and transaction verification was created by these accused persons and the amounts were withdrawn, Harshal was the cashier. In the record, there is a mention of user *id* number which was used for withdrawing the amount from the computer system and the *id* of Omikumar was used.

4. The Applicants have been behind the bars since

September, 2016. Considering the roles played by them and the material available against them and also the order dated 21 April, 2017 passed in favour of Manish Mittal by this Court in Criminal Bail Application No.746 of 2017, this Court holds that it would not be desirable to keep the Applicants behind bars. In the result, the following order :-

(i) Bail Application Nos.978 of 2017 and 953 of 2017 are allowed;

(ii) Bail application No.1001 of 2017 is allowed subject to the condition of depositing Rs.20,000/- by the Applicant in the Court where the case is pending. Only after depositing of the amount, he would be released on the bail.

(iii) All the Applicants be released on bail on their furnishing P.R. bonds of Rs.25,000/- by each of them with one or more sureties in the like amount.

(iv) They shall not tamper with the prosecution witnesses. They shall not commit similar offence.

(T.V.NALAWADE, J.)