

Anand

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO.1587 OF 2017

Dattu Arjun Mhetre .Applicant

Vs.

The State of Maharashtra .Respondent

Mr.R.S.Kate i/b. Mr.R.A.Zade, Advocate, for the Applicant
Mrs.R.Ambekar, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 03.08.2017

P.C.

. Heard learned counsel for the parties.

2. By this Application, the Applicant seeks his enlargement on bail in connection with C.R. No. 202 of 2017 registered with the Baramati City Police Station, Pune (Rural), for the alleged offences punishable under Sections 420, 406, 467, 468 and 471 r/w 34 of the Indian Penal Code.

3. Learned Counsel for the applicant submits that the allegations are essentially as against the original accused nos.1 and 2. He submits that the applicant is original accused no.4 and that the only

allegation qua the applicant is that, accused no.1 had given a bearer cheque in the name of the applicant, pursuant to which an amount of Rs.5 lakhs was withdrawn by the applicant. He submitted that the applicant has not been named in the FIR and was subsequently added as an accused, only because of the said withdrawal. He submitted that the applicant is in custody since May, 2017.

4. Learned counsel for the Applicant also seeks bail on the ground of parity. He submitted that similarly placed co-accused – Shankar Dnyandeo Veer has been enlarged on bail by this Court (Coram : Revati Mohite Dere, J.) vide Order dated 24.07.2017 passed in B.A.No.1551 of 2017.

5. Learned APP does not dispute the fact, that the applicant is at par with the co-accused – Shankar Dnyandeo Veer, who has been enlarged on bail by this Court (Coram : Revati Mohite Dere, J.) vide Order dated 24.07.2017 passed in B.A.No.1551 of 2017. She also does not dispute the fact, that the only allegation as against the applicant is, that accused no.1 had given a bearer cheque in the name of the applicant, pursuant to which an amount of Rs.5 lakhs was withdrawn by the applicant. He also does not dispute the fact, that there are no

allegations of forgery against the applicant.

6. Perused the papers. Admittedly, the applicant has not been named in the FIR. The FIR is essentially as against the accused nos. 1 and 2. It is alleged by the complainant – Rangnath Mhetre, that he had applied for an agricultural loan in the Punjab National Bank, Baramati Branch and that for the said loan, the accused nos.1 and 2 had given a plan estimate and quotation to the bank. It is alleged that after the said loan was sanctioned by the Punjab National Bank, accused Nos. 1 and 2 fraudulently transferred the said loan amount of Rs.26,57,745/- in their own bank account. Prima facie, it appears, that a bearer cheque was given by the accused no.1 in favour of the applicant, prior to receiving the aforesaid amount of Rs.26,57,745/- in the Applicant no.1 and 2's account. It prima facie, also appears that the said amount of Rs.5 lakhs, allegedly withdrawn by the applicant, on the basis of the bearer cheque, issued by the accused no.1, does not pertain to any transaction, in the present C.R. The said withdrawal, is prior to the amount being transferred to Applicant No.1 and 2's account.

7. Considering the aforesaid, continued custody of the applicant is not required. Accordingly 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 furnishing P.R. Bond in the sum of **Rs.15,000/-** with one or two sureties in the like amount;
- (ii) The applicant shall attend the concerned Police Station on **every Monday between 10.00 a.m. to 11.00 a.m.**, till the filing of the charge-sheet;
- (iii) The applicant shall not contact the complainant, witnesses or any person concerned with the case.

8. The Application is allowed and disposed of in above terms.

9. It is made clear that the observations made herein are prima facie and are confined to this application and the learned Judge to decide the case on its own merits, uninfluenced by the observations made herein.

Parties to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)