

Anand

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

ANTICIPATORY BAIL APPLICATION NO.1289 OF 2017

Shriram Chandrakant More .Applicant

Vs.

The State of Maharashtra .Respondent

Mr.N.S.Mundargi i/b. Mr.P.A.Bhangale, Advocate, for the Applicant
Mrs.P.P.Shinde, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 21.07.2017

P.C.

. Heard learned counsel for the parties.

2. By this Application, the Applicant seeks pre-arrest bail in connection with C.R.No.I-3 of 2017 registered with the Sarkarwada Police Station, Nashik, for the alleged offences punishable under Sections 420, 409, 467, 468, 471 r/w 34 of the Indian Penal Code.

3 Learned counsel for the Applicant states that the Applicant is sought to be falsely implicated in the present C.R., on the basis of the Auditor's report, which was conducted in the year 2015. He submits that the Applicant was not concerned with the Ashok Stambh branch of the

Ganesh Sahakari Bank Ltd. He submitted that the fraud pertains to the period 02.04.2012 to 24.10.2013. He submits that the Applicant was working as a Clerk with the Ganesh Sahakari Bank Ltd., Pimpalgaon Baswant Branch since July, 2005 to March, 2014. He submits that similarly placed co-accused – Sunita Wagh was granted Anticipatory Bail by the Sessions Court. He further submits that it is not the prosecution case, that the Applicant at the relevant time was serving with the main branch of the Bank or with the Ashok Stambh Branch, where forged documents were prepared and monies were misappropriated.

4. Learned APP does not dispute the fact, that the role of the Applicant is similar to that of co-accused – Sunita Wagh, who has been granted Anticipatory Bail by the Sessions Court. She also does not dispute the fact, that the Applicant was arrested in connection with C.R.No.190 of 2013 registered with the Pimpalgaon Baswant Police Station, Nashik and was enlarged on bail after filing of the charge-sheet.

5. Perused the papers. According to the prosecution, the Applicant alongwith the employees of Ganesh Sahakari Bank Ltd., Nashik, serving at the main branch, Ashok Stambh and Pimpalgaon

Baswant branch, had in furtherance of their common intention forged loan proposals, Fixed Deposit Receipts and sanctioned excess loan amounts than fixed etc. and had misappropriated an amount of Rs.6,07,15,032/-. It is not in dispute, that the Applicant was working as a Clerk with the Pimpalgaon Baswant branch of the Ganesh Sahakari Bank Ltd., Nashik. It is also not in dispute, that a complaint was lodged i. e. C.R.No.190 of 2013 with the Pimpalgaon Baswant Police Station, Nashik and the Applicant was arrested and was enlarged on bail, after charge-sheet was filed. The present complaint appears to have been filed on the basis of the Auditor's report of 2015, in January, 2017. It also appears that similarly placed co-accused, in particular, Sunita Wagh has been granted Anticipatory Bail by the Sessions Court. The learned Sessions Judge whilst granting Anticipatory Bail to Sunita Wagh had observed "Prima facie, there is no material to show the nexus of misappropriation committed at Pimpalgaon Baswant branch and misappropriation committed at Main branch and Ashok Stambh branch". The learned Judge has also observed that "The allegations were vague".

6. Considering the aforesaid, custodial interrogation of the Applicant is not required. Accordingly, the Application is allowed and

the Applicant is granted pre-arrest bail on the following terms & conditions:-

ORDER

(i) In the event of arrest, 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 report to the investigating officer of the concerned police station **on every Sunday** between **10.00 a.m. to 11.00 a.m.** till the filing of the charge-sheet or for a period of three months whichever is earlier;

(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 allowed in the aforesaid terms and 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.

Parties to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)