

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (ABA) NO. 263 OF 2017

(HANS DAS S/O DAYARAM MESHRAM...VS.. STATE OF MAH. THR. P.S.O. PS WARDHA,
DISTT.WARDHA AND ANOTHER)

WITH

CRIMINAL APPLICATION (ABA) NO. 264 OF 2017

(SHANKAR S/O JAIRAMJI KHAPEKAR...VS.. STATE OF MAH. THR. P.S.O. PS WARDHA,
DISTT.WARDHA AND ANOTHER)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Smt S. W. Deshpande, Advocate for Applicant.
Smt Mugdha Chandurkar, A.P.P. for Non-applicants.

CORAM : Z.A.HAQ, J.

DATED : 7th JULY, 2017.

Heard.

These applications are disposed of by common order as the applicants in both these applications are seeking pre-arrest bail, apprehending arrest in connection with crime number and Section RC 5(A)2017.

The applicant in Criminal Application (ABA) No.263 of 2017 had been working as Assistant Manager and was holding the charge of Branch Manager, UCO Bank, Wardha Branch in 2011-12.

The applicant in Criminal Application (ABA) No.264 of 2017 had been working as Branch Manager, UCO Bank, Hinganghat Branch, Nagpur in 2011-12.

The accusations against the applicants are that while working at the above referred places, they have played active role in duping the bank of Rs.25 Crores. The facts on record show that the applicant in Criminal Application (ABA) No.263 of 2017, at the relevant time, had powers to sanction loan upto Rs.5,00,000/- and the applicant in Criminal Application (ABA) No.264 of 2017, at the relevant time, had powers to sanction loan upto Rs.10,00,000/-.

According to the Investigating Agency, the Directors of M/s. G. S. Oils Limited, Adilabad , connived with Officials of UCO Bank, fake and forged documents were prepared showing employees/labourers working with M/s. G. S. Oils Limited, Adilabad as farmers and agricultural loan was demanded from UCO Bank and the applicants, without adhering to the KYC norms, facilitated the opening of accounts in the names of employees/labourers working with M/s. G. S. Oils Limited, Adilabad, treated them as farmers, sanctioned loan, disbursed the amount which amount was immediately transferred to the account of M/s. G. S. Oils Limited, Adilabad in UCO Bank and then the amount was transferred to the account of M/s. G. S. Oils Limited, Adilabad in Karur Vysya Bank.

It is a matter of concern that the non-applicant No.2 – Central Bureau of Investigation, Anti Corruption Bureau which is known to be a Specialized Investigating Agency, has expressed its helplessness by stating that Higher Officers of UCO Bank are not co-operating with it because of which the investigation cannot be completed.

Considering the facts of the case, I am not

inclined to grant the prayer made in the applications.

The applications are dismissed.

This Court has passed order on 19th April, 2017 granting protection to the applicants and it appears from the record that after the applicants are granted protection, they are not co-operating with the Investigating Agency. The applicants shall surrender within 3 days failing which note of their conduct shall be taken at all stages of the proceedings.

After hearing the learned advocate for the non-applicant No.2, examining the case diary and considering the submissions made on behalf of non-applicant No.2 (which submissions are made by the learned advocate, on instructions from Miss. Versha Verma, Dy. Superintendent of Police, Central Bureau of Investigation who is present before the Court alongwith case diary) that the Superior Officers of UCO Bank are not co-operating with the Investigating Agency and considering the fact that the crime is registered with the accusations that huge amount of Rs.25 Crores, which is public money, has been siphoned in clandestine manner, I feel that I will be failing in my duty, if the following order is not passed.

Cognizance of the matter is taken suo-moto, Shri R. R. Vyas, Advocate is appointed amicus curiae and requested to assist the Court. Miss. Mugdha Chandurkar learned advocate appearing for the non-applicant No.2 shall provide complete set of Criminal Application (ABA) No.263 of 2017 to Shri R. R. Vyas Advocate. Shri R. R. Vyas, Advocate shall draft a proper petition and present it till 17th July, 2017.

The matter be listed before appropriate Bench on
21st July, 2017.

JUDGE

PBP