

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

CRIMINAL APPLICATION (ABA) NO.596 OF 2017

Nitin s/o Jaisingh Rana

..vs..

State of Mah., thr. P.S.O., City Kotwali, Amravati, District Amravati

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

Court's or Judge's Order

Shri Mahesh Rai, Counsel for the applicant.
Shri V.P. Gangane, Addl.P.P. for the State.

CORAM : V.M. DESHPANDE, J.

DATED : AUGUST 29, 2017.

Heard learned counsel Shri Mahesh Rai for the
applicant and learned Additional Public Prosecutor Shri V.P.
Gangane for the State.

The applicant, who is seeking pre-arrest bail, is an
erstwhile employee of the ICICI Bank at Amravati. It is this
bank in which complainant Arun Surajdin Jaiswal is having his
saving account and from his saving account Rs.2.00 Lacs were
withdrawn and were credited in saving account of Pramod
Shamrao Walde who is also co-accused and whose application
for bail, when the Court was about to dismiss, was withdrawn by
learned counsel for the said co-accused.

According to the complainant, he obtained a loan
from the ICICI Bank in order to purchase a tractor from the

dealership which is run by co-accused Pramod. According to the complainant, he gave in the year 2013 three cheques by way of security and those cheques were blank cheques. According to the complainant, two cheques were utilized by the bank and one cheque was remained with the bank which was mis-used by Pramod in connivance with the present applicant.

The State has filed the reply. In the said reply it has been stated that the present applicant was Assistant Manager from 19.9.2011 to 3.3.2017. The applicant was in service of the said bank prior to commission of the present offence.

Further, though the complainant is stating that three cheques were handed over to the ICICI Bank, the investigation papers show that there is a letter addressed by the ICICI Bank to the investigating officer which in clear terms states that at the time of availing loan facility by complainant Arun gave only two cheques to the said bank and those cheques were destroyed.

Learned Additional Public Prosecutor Shri V.P. Gangane for the State submits that there are statements of three witnesses who have stated that in their presence the complainant had handed over 3 blank cheques of the State Bank of India to Nitin Rana. The statements of these witnesses are recorded on 23.8.2017. Thus, near about after a lapse of 4 years their statements are recorded. It is really hard to believe that

after a lapse of 4 years, these prosecution witnesses could remember the insignificant incident of handing over of cheques especially when they were not related to the transaction of obtaining loan.

Further, the present applicant now is not in service with the bank and is not having control over the bank with documents. Further, while granting *ad interim* bail in favour of the present, this Court has directed the applicant to attend the Police Station City Kotwali at Amravati on 21st and 23rd of August, 2017 and to remain with the investigating officer from 11:00 a.m. to 5:00 p.m..

According to learned Additional Public Prosecutor, the applicant has attended those two dates and was with the investigating officer from 11:00 a.m. to 5:00 p.m..

It is not the case of the investigating officer that he failed to extend any cooperation to the investigating agency.

In view of the aforesaid discussion, I see no reason to disallow the present application. Consequently, I pass the following order:

ORDER

i) The criminal application is allowed.

ii) Applicant Nitin s/o Jaisingh Rana be released on bail in the event of arrest in

connection with Crime No.382 of 2017 registered with the Police Station, City Kotwali, Amravati for the offence punishable under Section 420 read with Section 34 of the Indian Penal Code on he executing a P.R. Bond in the sum of Rs.25,000/- with one solvent surety of the like amount.

iii) With this, the criminal application is disposed of.

JUDGE

!! BRW !!

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