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

**CRIMINAL APPLICATION (BA) NO.679 OF 2018**
(Snehal w/o Satish Velukar ..vs.. State of Maharashtra, through PSO, PS Sitabuldi, Nagpur)

| Office Notes, Office Memoranda of Coram, appearances, Court's orders of directions and Registrar's orders | Court's or Judge's orders |
|---|---|

Shri U.P. Dable, Counsel for the applicant,
Shri V.A. Thakare, Addl.P.P. for the non-applicant.

**CORAM : ROHIT B. DEO, J.**
**DATED : 19-07-2018**

The applicant-woman is in custody since 22-6-2018 in connection with Crime 187/2018 registered at Police Station Sitabuldi, Nagpur for offences punishable under Sections 420, 406 read with Section 34 and 120-B of the Indian Penal Code, on the basis of complaint lodged by one Mohd. Refi Haider, Branch Manager, Dena Bank, Dharampeth, Nagpur.

2. The gist of the first information report dated 18-6-2018 is that Maa Anusaya Trading Company availed cash credit limit of Rs.2 Crore in March, 2016. At least at this stage, it is not in serious dispute that an amount of Rs.1,80,00,000/- came to be transferred by Maa Anusaya Trading Company to the account of Maa Tulja Bhawani Trading Corporation of which the applicant is the proprietor and the said amount was immediately withdrawn by bearer cheque. This is the only material on record, which is brought to my notice to allege that

the applicant conspired with the borrower in cheating Dena Bank. Concededly, the applicant is neither the borrower nor guarantor. The case of the prosecution appears to be that although credit limit was applied for, and was granted for business purpose, the amount was diverted for purposes an unconnected with business.

3. Since the investigation is on going, it would not be appropriate to make any emphatic observation on the submission of the learned Counsel that certain blank cheques which were in possession of her relatives are used to withdraw the amount. However, since the applicant is neither the borrower nor the guarantor nor is there, at least at this stage, any material to suggest that she has benefited financially from the transaction, continuing her incarceration shall virtually be a pretrial punishment.

4. In the teeth of the accusations and the material on record, this application shall have to be allowed.

5. The application is allowed.

6. The applicant shall be released on bail on furnishing personal bond of Rs.15,000/- with one solvent surety of the like amount.

7. The applicant shall not tamper with the

prosecution evidence nor shall attempt to influence the witnesses in any manner.

**<u>JUDGE</u>**

*adgokar*