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

CRIMINAL APPLICATION (ABA) NO.578/2019
Ajit Vishwambhar Kale vs. State of Maharashtra, through PSO P.S. Channi, Dist. Akola.

Office Notes, Office Memoramda of Coram, appearances, Court's orders of directions and Registrar's Orders.	Court's or Judge's orders.

Mr. S.V. Sirpurkar, Advocate for applicant.
Mr. S.M.Ghodeswar, A.P.P. for non-applicant-State.

CORAM : V. M. DESHPANDE, J.
DATED : SEPTEMBER 17, 2019

Heard Mr. S.V. Sirpurkar, learned counsel for applicant and Mr. S.M. Ghodeswar, learned Additional Public Prosecutor for non-applicant/State. Also perused the reply filed on behalf of the State.

The applicant is apprehending his arrest in connection with Crime No. 206/2019 registered with Police Station, Channi, Dist. Akola for the offence punishable under Sections 420, 406, 409 read with Section 34 of the Indian Penal Code.

This Court (Coram : Manish Pitale, J.) on 16.08.2019 has granted *ad interim* protection in favour of the applicant on a condition that he shall attend police station once in a week i.e. on Sunday in between 10:00 a.m. to 05:00 p.m. and shall extend cooperation to the investigating officer.

Learned counsel for applicant submits that accordingly the applicant has attended the police station.

Even learned Additional Public Prosecutor on instruction from investigating officer submits that the applicant has followed the condition imposed upon him.

The incident has taken place in the month of May-2019 whereas first information report was lodged on 28.07.2019. Thus, there is considerable delay in lodging first information report. In nutshell the case of the prosecution is that the applicant is Secretary of the cooperative bank. According to the prosecution case, the complainant Keshav Rathod has given his ATM card and PIN to the present applicant. Admittedly, the first informant has obtained loan from the cooperative bank. According to the prosecution case, applicant has transferred the amount in two different accounts. It is also claim of the prosecution that the co-accused Uttam was seen in CCTV footage using the ATM card.

It appears *prima facie* that it has been transferred by using ATM card of the first informant. It will have to be proved by the prosecution during the trial that the ATM card was surreptitiously obtained by the present applicant.

The applicant is the Secretary of cooperative bank and is having deep roots in the society. The learned Additional Public Prosecutor submits that all the documents pertaining to the offence are already seized and in possession of investigating officer. In that view of the matter, I pass the following order.

<u>ORDER</u>

(i) The application is allowed.

(ii) In the event of arrest in connection with Crime No.206/2019 registered with Police Station, Channi, Dist. Akola for the offence punishable under Sections 420, 406, 409 read with Section 34 of the Indian Penal Code applicant-Ajit Vishwambhar Kale be released on bail on they executing P.R. Bond in the sum of Rs.25,000/- with one solvent surety in the like amount.

(iii) Applicant is directed to attend Police Station, Channi Dist. Akola twice in a week i.e. on every Saturday and Sunday and shall remain with the investigating officer between 03:00 p.m. to 05:00 p.m till filing of charge-sheet.

The application is disposed of.

JUDGE

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