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

CRIMINAL APPLICATION (ABA) NO. 824 OF 2019
Yogesh s/o Ashokrao Nile .Vs. State of Maharashtra,through P.S.O., P.S. Digras, Tq. Digras, Dist. Yavatmal.

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

Mr. R.J. Shinde, Advocate for applicant.
Mr. S.M.Ghodeswar, A.P.P. for non applicant- State.

CORAM : V. M. DESHPANDE, J.
DATED : DECEMBER 16, 2019

This is an application for pre-arrest bail.

2. Heard Mr. Shinde, learned counsel for the applicant and Mr. Ghodeswar, learned Additional Public Prosecutor for the non applicant-State. Also perused the detailed reply filed on behalf of the prosecution as well as investigation papers.

3. The applicant is apprehending his arrest in connection with Crime No.553/2019 registered with Police Station, Digras, District Yavatmal for an offence punishable under Sections 409, 420, 468 and 471 of the Indian Penal Code.

4. According to learned counsel for the applicant the applicant is innocent and fake accounts in the name of deceased Usha were opened by one Tushar Sawarkar who,

at the relevant time, was Sub-Post Master who is now dead. He submits that the entire acts of creating accounts in the name of dead person were done by said Tushar Sawarkar and applicant is falsely implicated. He, therefore, submits that the application be allowed.

5. The first information report is lodged by one Gaurav Pandey, Sub-Divisional Post Inspector. He lodged the report in view of the instructions given to him by his superior.

6. Gist of the prosecution case is that there was account of one Usha Chiddarwar in the Sub-Post Office of Digras wherein the present applicant was working from 01.07.2011 to 29.06.2016. It is an admitted position that Smt. Usha Chiddarwar expired in the year 2014. It is also an admitted position that prior to her death, her account was transferred to Pune Post Office. It is the prosecution case that after death of Usha, the applicant in connivance with others again opened two fake accounts in the name of Usha and shown those two accounts having credit amount of Rs.5,00,000/- (Rupees Five Lakhs) and said Rs.5,00,000/- stood withdrawn on 26.02.2016, 01.03.2016 and 03.03.2016. It is also not disputed before this Court that during these three transactions periods, the applicant was working at Post Office, Digras. It is also not disputed that Smt. Usha Chiddarwar expired in the year 2014. If that be so, there cannot be her account in operation and she cannot

withdraw amount on these three dates. Now the applicant wishes to throw the hat of guilt on the head of his deceased co-employee to save his scam. The investigation papers show that for detailed investigation the custodial presence of the present applicant is absolutely warranted.

7. This Court is refraining itself from making very elaborate discussion of the prosecution case since it will cause serious prejudice to the case of the applicant during trial. However, *prima facie* undisputed position is that after death of Smt. Usha Chiddarwar in the year 2014 in her name again two new accounts were opened in the Post Office wherein applicant was working and during that when he was discharging his duty at the said Post Office he has withdrawn the amount from the account fakely opened in the name of deceased person resulting into loss to the State exchequer. In such type of white collar offences it is not expected from any Court to show any leniency and therefore I am rejecting this application.

Consequently, the application is rejected.

JUDGE

srwagh