

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

CRIMINAL APPLICATION (BA) NO. 270 OF 2020
(Mahima Mukesh Jham, Nagpur (In jail) Vs. State of Maharashtra)

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

Court's or Judge's orders.

Shri A.A. Naik, Advocate for the applicant.
Shri N.B. Jawade, A.P.P. for the State.

CORAM : PUSHPA V. GANEDIWALA, J.
AUGUST 17, 2020.

Heard Shri Naik, learned counsel for the applicant and Shri Jawade, learned A.P.P. for the State through Video Conferencing.

2. The applicant is said to be arrested on 26/09/2019 in connection with Crime No. 181/2019 dated 15/05/2019 registered at Police Station, Dhantoli, District Nagpur for the offence punishable under Sections 406, 409, 420, 465, 467, 468, 471, 477(A), 120(B) and 201 of the Indian Penal Code, Section 3 of the Maharashtra Protection of Interest of Depositors Act, 1999 and Sections 65 and 66(B) of the Information Technology Act, 2000.

3. The case of the prosecution is that at the instance of one Shrikant Supe, Sub-Auditor, Navodaya Urban Co-operative Bank Ltd., Nagpur, a report came to be lodged alleging therein many irregularities in various transactions due to which the Bank has suffered loss and the deposits of the

investors were misappropriated during the period between 2015-16 to 2016-17.

4. The applicant came to be arrayed as an accused in the aforesaid crime on the allegation that she had taken a loan of Rs.35,00,000/- against the collateral property of lesser value. It is further alleged that for obtaining the said loan, she had submitted forged documents.

5. Learned counsel for the applicant submitted that the applicant has already repaid an amount of Rs.55,00,000/-. He further submitted that the applicant is in jail since more than ten months. That the co-accused, who have assisted the applicant in obtaining loan, are already on bail and thus prayed for releasing the applicant on bail.

6. Per contra, the learned A.P.P. vehemently opposed the bail application mainly on the premise that for obtaining the aforesaid loan, the applicant had submitted forged documents of her income and thus prayed for rejection of the bail application.

7. I have considered the submissions advanced across the bar.

8. At the outset, there are 80 witnesses to be examined in the instant case. As per the statement of the learned counsel for the applicant, she had already repaid Rs.55,00,000/- against loan of Rs.35,00,000/-. There is no likelihood of commencement of the trial in near future. Also, the whole case of the

prosecution appears to be based on documentary evidences, which are already in possession of the prosecution.

9. For the reasons aforesaid, so also considering the fact that the applicant is a lady and has been incarcerated for more than ten months coupled with the fact that the co-accused in the instant case have already been released on bail, this Court is of the opinion that with certain conditions, she can be released on bail. Hence, the following order :-

ORDER

- i) The Criminal Application is allowed.
- ii) The applicant be released on bail on her furnishing PR bond in the sum of Rs.1,00,000/- with one solvent surety in the like amount.
- iii) The applicant shall not pressurize or issue threats to the witnesses.
- iv) The applicant shall not tamper with the prosecution evidence.
- v) The applicant shall not leave the local jurisdiction without prior intimation to the concerned police station.
- vi) The applicant shall deposit her passport, if any, with the concerned police station, forthwith.
- vii) The applicant to attend the concerned police station once in a month i.e. on every first

Thursday of the month between 12.00 noon to 2.00 pm.

10. The Criminal Application is disposed of accordingly.

11. This order be communicated to the counsel appearing for the parties, either on the email address or on Whats app or by such other mode, as is permissible in law.

JUDGE

Sumit