

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.2178 OF 2021

1) MRS.UJWALA PRAKASH PAWAR)
)
2) MR.PRAKASH KRUSHNAJI PAWAR)...APPLICANT

V/s.

THE STATE OF MAHARASHTRA)...RESPONDENT

Mr.Balwant Salunkhe, Advocate for the Applicant.

Mr.H.J.Dedhia, APP for the Respondent – State.

CORAM : V. G. BISHT, J.

RESERVED ON : 16th NOVEMBER 2021
PRONOUNCED ON : 23rd NOVEMBER 2021

P.C. :

1 The present application has been moved by the
applicant under Section 439 of the Code of Criminal Procedure in
Crime No.31 of 2020 registered with Police Station Vishrambag,
Sangli, for offences punishable under Section 420, 406 read with
34 of the Indian Penal Code (IPC).

AVK

 $1/5$

2 The applicant no.1 is the maternal aunt while applicant no.2 is the maternal uncle of the informant. The applicant no.1 is the Postal Agent having Agent No.SAS 3169/01 in factory area Post Office in Sangli. The prosecution alleges that in between 24th October 2005 to 17th September 2014 the informant invested Rs.6,75,000/- through applicant no.1 in Monthly Income Scheme (MIS). It is alleged that without informant's knowledge, the applicant no.1 obtained her signatures on withdrawal slips from time to time and misappropriated the said amount of Rs.6,75,000/-. It is further alleged that, similarly, the applicant no.1 used some signed papers of informant and on that basis entered into a transaction amounting to Rs.14,95,880. The informant, accordingly, lodged report.

3 Mr.Balwant Salunkhe, learned counsel for applicant, submits that applicants had no access to accounts of investors in the Post Office for withdrawal. Moreover, applicants have refunded the amount. Having regard to the nature of

offence and the applicant no.1 being a woman and applicant no.2 being a 60 years old person, need to be released on bail. The investigation is over and there are no criminal antecedents.

4 Mr.Dedhia, learned APP, on the other hand, opposed the submissions by contending that there is no merit in the application and if the applicants are ready to deposit all the misappropriated amount, then the application may be considered favourably.

5 Perused the investigation papers. It appears that (i) Sub-Postmaster, Factory area, Post Office, Sangli, (ii) Accounts Officer, Collector Office, Sangli and (iii) Tahsildar, Collector Office, Sangli, jointly complained to the Police Inspector, Visharambag Police Station, Sangli, by giving incidents of misappropriation committed by the present applicant no.1 and requested to register the offence against her.

6 Prima facie, there is involvement of the applicant no.1 in the alleged offence. However, at the same time, it may be noted that the offence is triable by learned Judicial Magistrate, First Class. No criminal antecedents are brought on record. The applicant no.1 being a woman and having regard to the relationship between the informant and the applicants, in my considered opinion, keeping the applicants behind the bars would be unwarranted, as it may take considerable time to conclude the trial.

7 For the aforesaid reasons, I am inclined to allow the application. Hence, I pass the following order :

ORDER

- (i) Applicant no.1 Ujwala Prakash Pawar and Applicant No.2 Prakash Krushnaji Pawar shall be released on bail in Crime No.31 of 2020 registered with Police Station Vishrambag, Sangli, on his executing P.R.Bond in the sum of Rs.25,000/- each and on furnishing one or two sureties in like amount by each of them.

- (ii) The applicants shall not tamper with prosecution evidence.
- (iii) The applicant shall regularly attend the trial.
- (iv) Bail before the trial Court.
- (v) Parties to act on copy of this order duly authenticated by the Sheristedar of this Court.
- (vi) It is made clear that the observations made herein are prima facie and the trial Court shall decide the case on its own merit, in accordance with law, uninfluenced by the observations made in this order.
- (vii) The application is allowed in the aforesaid terms and stands disposed off accordingly.

(V. G. BISHT, J.)