IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1014 OF 2019

Santosh Deshmukh ... Applicant
versus
The State of Maharashtra ... Respondent

Mr.Ashutosh S. Khandeparkar for applicant.
Mr.Y.Y.Dabake, APP, for State.

CORAM : PRAKASH D. NAIK, J.

DATE : 17th July 2021

PC :

1. The applicant is apprehending arrest in CR No.66 of 2019 registered with Paydhoni Police Station for offences under Sections 420, 465, 467, 468, 471, 34 and 120-B of Indian Penal Code.

2. The case of prosecution is that accused Ashok Jain opened three bank accounts in the name of Harnam Silk Factory, G.M.Knighting Industry and Dhana Singh Silk Factory in Pratap Co-operative Bank Limited, Nagdevi Branch, Mumbai. Gurubaksh Singh, Gurucharan Singh and Jagdish Kaur were having proprietorship concerns in the same name. The subsidy of electricity was claimed by them. The accused in furtherance of common intention hatched conspiracy to misappropriate the subsidy amount of Rs.83,44,372/-. Ashok Jain opened three bank accounts in similar names of proprietorship concerns. The address proof and KYC documents were fabricated. The amount was credited into the account of Ashok Jain. The applicant was allegedly working in Pratap Co-operative Bank Ltd as peon. With a view to aid and abet

the co-accused in committing crime, the applicant had allegedly lodged NC report alleging loss of demand drafts. The accused Ashok Jain used the subsidy amount. During the course of investigation Ashok Jain, Mukesh Solanki and Bipin Shah were arrested. They were charge sheeted.

3. Undisputedly the amount of Rs.63,44,372/- was subsequently deposited with the bank by co-accused. It is apparent that investigation is completed and charge sheet is filed against co-accused.

4. Learned APP submitted that complicity of applicant is disclosed by co-accused. The applicant was instrumental in lodging false NC complaint to give an impression that demand drafts were missing and have aided and abetted the co-accused in commission of crime.

5. The applicant was granted interim protection by order dated 25th April 2019. Apparently investigation is complete and charge sheet is filed against co-accused. Considering the role attributed to the applicant, at this stage, custodial interrogation of applicant is not necessary. Hence, I pass following order :

ORDER

(i) Anticipatory Bail Application is allowed and disposed of;

(ii) Interim order dated 25th April 2019 is confirmed;

(iii) In the event of arrest of applicant in connection with CR No.66 of 2019 registered with Paydhoni Police Station, Mumbai, the applicant be released on bail on executing PR bond in the sum of

Rs.25,000/- with one or more sureties in the like amount;

(iv) The applicant shall appear before the Investigating Officer as and when called for till filing of charge sheet.

(PRAKASH D. NAIK, J.)

MST