

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

CRIMINAL APPLICATION (APPP) No.987/2021
IN
CRIMINAL APPLICATION (ABA) NO.373/2021

Shila W/o Pravin Khillare and another.

-VERSUS-

State of Maharashtra through Police Station Officer, Police Station Buldana City, Dist. Buldana.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Shri A.J. Thakkar, Advocate for applicants.
Shri A.M. Deshpande, Addl.P.P. for non-applicant/State.

CORAM : VINAY JOSHI, J.
DATE : NOVEMBER 26, 2021.

Heard.

2. In anticipation of arrest in Crime No.564 of 2018 registered with Police Station Buldhana for the offence punishable under Sections 381, 468, 471 read with Section 34 of the Indian Penal Code.

3. The applicants prayed for bail by claiming innocence and false implication. It is stated that during interim protection, the applicants have attended police station and had co-operated to the investigating agency. It is canvassed that the offence was registered in the year 2018, however, police did not bother to arrest him for

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next three years meaning thereby police do not want custodial interrogation. It is the submission that on 18/06/2018 itself applicant no.1 lady had filed a police report against existing complainant under allegation of outraging modesty, hence, the present report is a counter blast.

4. The State resists bail by filing reply-affidavit. The contents of First Information Report are stated in brief. It is stated that both applicants by joining hands with some others have siphoned the amount of society by forging cheques. The police wants to recover the amount as well as one of the cheque which is still in the custody of applicants.

5. It is the prosecution case that applicant no.1 lady was working as an Assistant to the Accountant and applicant no.2 as a Peon in Education Society. During the course of employment, applicants have stolen total 18 blank cheques of the society, out of which used forged 12 cheques and by forging them through others had siphoned the amount of Rs.2,93,400/- for which report by executive trustee.

6. Perusal of police papers indicate that the applicants have kept assuring to repay the

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amount which has delayed the process. During the course of investigation, the police have seized forged cheques which appears to be issued in name of some different persons. The investigation has to be carried to find out the nexus of payees of the cheques with the applicants.

7. This Court has granted interim protection to the applicants vide order dated 25/06/2021 with a rider to attend police station on three dates. It reveals from the reply that there is non co-operation for which the custody is sought. The offence is of serious nature as it involves forgery, fraud, cheating, theft etc.

8. So far as the prior report lodged by applicant no.1 against the executive trustee is concerned, it can be read in between the lines. There is strong possibility of applicant lodging report against the trustee only when her misdeeds were exposed. The nature of offence is such that it cannot be concocted since already most of the cheques were encashed with forged signature. During pendency of this application, the applicant expressed his willingness to deposit misappropriated amount however, he has deposited only Rs.70,000/- and thereafter shown his inability. In the result, yet the entire

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misappropriated amount is to be seized. Having regard to the seriousness of offence, there is necessity of custodial interrogation and therefore applicants are not entitled for pre-arrest bail. The above observations have no impact on the merits of this case or the case filed by the applicant no.1 against the complainant. While parting with the order, I may say that the concerned investigating officer ought to have acted upon complaint assiduously without waiting for next three years. In view of that following order:

- i) The application stands rejected.
- ii) The amount credited by applicant be transferred to the Court.

JUDGE

R.S. Sahare