

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**905 ANTICIPATORY BAIL APPLICATION NO.682 OF 2021
WITH APPLN/1496/2021 IN ABA/682/2021**

RAMESH GULAB CHAVAN
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. A. A. Fulfagar h/f
Mr. Katneshwarkar P. R.

APP for Respondent-State : Mr. V. M. Kagne.

Advocate for the Complainant to assist APP : Mr. V. B. Kulkarni
& Mr. A. B. Shinde.

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CORAM : S. G. MEHARE, J.
DATE : 22.09.2022

PER COURT :-

1. Heard the learned counsel for the applicant, the learned APP for the respondent-State and learned counsels for the complainant.

2. Perusal of the FIR reveals that the allegations have been levelled against the applicant that the complainant has received the amount of Rs.65,117/- in his IDFC bank account. He was not the labour under Employment Guarantee Scheme. Even then, the account was opened in his name and the amount was withdrawn by the present applicant and Gram Rojgar Sevak. In such a way, he has been cheated.

3. Learned APP has verified the particulars of the bank allegedly opened by the applicant in the name of the complainant. The bank informed the Investigating Officer that it would not be possible to operate the bank account without the tumb impression of the account holder. The bank accounts are not opened unless the identity card and thumb impression is put before the bank officers. It has also been informed that the alleged amount was not withdrawn at once, it was withdrawn at number of occassions.

4. Learned counsel Mr. Shinde has vehemently opposed the application contending that the applicant has been cheated. A false account was opened in his name and the money was withdrawn from the account.

5. Perused the papers. The information supplied by the bank is most relevant. Considering the information supplied by the bank, it appears that it was improbable to third person to operate the bank account of the account holder. In view of the fact of the case, the application deserves to be allowed.

Hence, the following order :

ORDER

- (i) The application is allowed.

- (ii) In the event of arrest, applicant RAMESH GULAB CHAVAN, be released on bail on furnishing P.B. and S.B. of Rs.15,000/- (Rupees Fifteen Thousand only) with one solvent surety in the like amount in Crime No.39 of 2021, registered with Police Station Bhokar, District Nanded, for the offences punishable under Sections 420, 406, 468, 471 read with Section 34 of the IPC, with a condition to attend the Police Station as and when called by the Investigating Officer on written notice.
- (iii) Criminal Application No.1496 of 2021 is allowed.

(S. G. MEHARE, J.)

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vmk/-