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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

APPLICATION FOR CANCELLATION OF BAIL NO.167 OF 2019

Sushilabai Ramesh Sonawane

APPLICANT

VERSUS

The State of Maharashtra and Another

RESPONDENTS

Mr. Pratap Vikhe Patil h/f Mr. S.J.Salunke, Advocate for applicant
Mr. A. V. Deshmukh, APP for respondent - State
Mr. V. B. Kulkarni, Advocate for respondent No.2

[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 6th DECEMBER, 2022

ORDER :

1. By this application, the applicant seeks cancellation of anticipatory bail granted to respondent No.2 by the Sessions Court.
2. The applicant lodged FIR with Chandanzira Police Station, District-Jalna, which is registered at Crime No. 254 of 2019 for the offence punishable under sections 420, 465 of the Indian Penal Code.
3. It is alleged in the FIR that respondent No.2 has forged signature of the informant and transferred amount of Rs.5000/- and Rs.25,000/- respectively from the account of Gram

Panchayat Asarkheda from Maharashtra Gramin Bank Branch Jalna and Canara Bank, Branch Badnapur to the account of applicant in Punjab National Bank, Branch, Jalna. On coming to know about the said fraudulent transaction on 3rd August, 2019, the applicant has lodged the FIR.

4. Respondent No.2, apprehending his arrest, filed Criminal Bail Application No. 743 of 2019 in the Court of Sessions Judge, which is allowed. Being aggrieved by the same, present application is filed.

5. Heard learned advocate for the applicant, learned Additional Public Prosecutor for the State and learned advocate for respondent No.2.

6. While granting protection to respondent No.2, the Sessions Court has observed that :

“Perusal of police papers show that, though informant alleges that, applicant took cheques from Gram Sevak, but Gram Sevak stated in his statement that, accused took cheque from peon of Gram Panchayat and Peon of Gram Panchayat says that, he returned those cheques to Gram Sevak. That means, there is no material to show that, anyone of them handed over cheques to applicant. There is no allegation that, applicant committed theft of those cheques. Thus, there is a ground to believe that, allegations against the applicant are false and therefore, this is a fit case to exercise discretion in favour of the applicant. Moreover, no document is required to be seized from applicant as alleged forged cheques are in

custody of Bank, record of Gram Panchayat is also in custody of Gram Panchayat. Presence of applicant before Investigating officer can be secured by imposing suitable conditions on him.”

7. In the facts of the present case, this Court is of the opinion that the Sessions Court was justified in granting protection to respondent No.2. While granting protection, respondent No.2 was directed to appear before the Investigating Officer on two dates, which he has attended.

8. Charge sheet is filed in the matter on 18th July, 2020 and the case is numbered as RCC No. 329 of 2020, which is pending in the Court of learned Judicial Magistrate, First Class, Jalna.

9. In that view of the matter, no case is made out by the applicant for cancellation of bail of respondent No.2. The application is dismissed.

[NITIN B. SURYAWANSHI]
JUDGE