

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO. 2585 OF 2021

Dattatraya Raosaheb Bedre ..Applicant

V/s.

The State of Maharashtra ..Respondent

Mr. Sandeep Salunkhe for the Applicant.

Mr. R.M.Pethe, APP for the Respondent/State.

CORAM : C.V. BHADANG, J.

DATE : 28 FEBRUARY 2022

P.C.

1. The Applicant, apprehending his arrest, in connection with the investigation of Crime No. 528 of 2021 registered with Mangalvedha Police Station, Dist. Solapur under Section 406 and 420 of IPC, is seeking anticipatory bail.

2. The allegation against the Applicant is that by misusing the ATM card of first informant Mr. Mahadeo Gaikwad, the Applicant has withdrawn various amounts from the account of the first informant.

3. The learned counsel for the Applicant submitted that such withdrawals as per the FIR are allegedly made from 15.02.2021

to 23.05.2021. However, the complaint is lodged only on 09.08.2021. The learned counsel for the Applicant submitted that it is improbable that the Applicant has not verified his account statement for a period of six months i.e. from February 2021 to August 2021. He further submitted that the wife of the informant has given a letter to the Manager of the District Central Bank, Marvade that the Applicant is given to vice of drinking liquor and has taken away a fixed deposit receipt by threatening her.

3. I have heard learned counsel for the parties.

4. The learned APP has shown certain photographs from ATM center at Saste, Taluka Mangalvedha, District Solapur showing that the Applicant had made certain withdrawals. A specific query was made to the learned APP, as to whether the Investigating Officer has verified whether these withdrawals (in respect of which the photographs are produced) are made by the Applicant from his own account. The learned APP submitted that this aspect has not yet been verified. If that be so, there is every possibility that the images of the Applicant captured from ATM center could be of withdrawal made by the Applicant from his own account. The learned APP submitted that the Applicant can furnish his bank statement, in order to verify this aspect and

the Investigating Officer will carryout independent investigation on this aspect.

5. The record discloses that from 28.10.2021, interim protection is operating in favour of the Applicant, in pursuance of which the Applicant has reported to the Investigating Officer and has co-operated with the investigating agency.

6. In that view of the matter, the following order is passed:

ORDER

i) In the event of his arrest, in connection with the investigation of Crime No. 528 of 2021 registered with Mangalvedha Police Station, Dist. Solapur, the Applicant **Dattatraya Raosaheb Bedre** shall be released on bail on executing a PR Bond in the sum of Rs.25,000/- with one or two solvent sureties in the like amount.

ii) The Applicant shall report to the Investigating Officer on 7 and 8 March, 2022 between 11.00 a.m. to 1.00 p.m. and as and when required by the Investigating Officer.

iii) The Applicant shall furnish the details of his account and shall co-operate with the Investigating Agency and shall not tamper with the prosecution evidence/witnesses.

iv) The criminal application is disposed of in the aforesaid terms.

v) Liberty to the prosecution to apply for modification and cancellation in the event of disclosure of further material.

(C.V. BHADANG, J.)