

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 1402 OF 2022

Sumit Manoharlal Manglani .. Applicant
Versus
The State of Maharashtra .. Respondent
...

Mr. Ashish Raghuvanshi i/b Shailesh Kharat for the applicant.
Mrs. Anamika Malhotra, APP for the State.
PSI Darade from Ambarnath police station.

CORAM: BHARATI DANGRE, J.
DATED : 7th SEPTEMBER 2022

P.C:-

1 The applicant face charge under Sections 409, 420 read with Section in C.R.No. 213/2021.

 The subject C.R was registered with Ambarnath police station on 25/3/2021 on the complaint being lodged by the Bank Manager – Bank of Baroda, where he has stated that he noticed that, from 12 accounts in his Branch, monies have been transferred to the account of one Vijay Kanjaiyalal Gupta, between November 2020 to 17/1/2021, and it is alleged that the two accused persons in connivance with each other have committed forgery.

On completion of investigation, the charge-sheet has been filed and it is alleged that the applicant tracked old bank accounts which are not linked to mobile numbers and he transferred the amount of Rs.11,60,800/- from such Bank accounts to co-accused Vijay Gupta.

2 The applicant is arraigned as accused no.1 in his capacity as clerk of the Bank.

When specifically asked, whether the applicant has access to the said accounts, and in what manner the amount has been transferred and what is the connection between the applicant and accused no.2 who is alleged to be an auto rickshaw driver, the learned APP fairly state that there is no material to that effect in the charge-sheet. There is no further material to demonstrate that the amount which was transferred in the name of accused no.2 somehow was re-transferred to the applicant or he was a beneficiary of the said amount.

4 Prima facie, merely working as a clerk would definitely not confer a power upon him to have access to the said accounts as alleged in the complaint, and in any case, when the investigation is complete, the applicant need not be detained further while his trial is pending. He came to be arrested on 26/3/2021 and thus deserve his release. Hence, the following order :-

ORDER

- (a) The Applicant - Sumit Manoharlal Manglani in connection with C.R.No.213/2021 registered with Ambernath Police Station shall be released on bail on furnishing P.R. bond to the extent of Rs.25,000/- with one or two sureties of the like amount.
- (b) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him from disclosing the facts to Court or any Police Officer. The Applicant should not tamper with evidence.
- (c) The Applicant shall report to the police once in three months and shall also attend the trial on regular basis.

The Application is allowed in the aforestated terms.

(SMT. BHARATI DANGRE, J.)