

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.194 OF 2022

Ganesh S/o. Shankar Mhatre] ... Applicant

Vs.

The State of Maharashtra & Anr.] ... Respondents

...
Mr. Sangharsh V. Waghmare i/b Mr. Sanket Kulkarni and Mr.
Amitabh Singh for the applicant.

Ms. Veera Shinde, A.P.P. for the State.

...

CORAM : SMT. BHARATI DANGRE, J.

DATED : 11TH JULY, 2022.

P.C.:-

1. Heard learned counsel for the applicant and perused the order dated 12/04/2022, by which the Additional Sessions Judge, Kalyan has released the two applicants on bail, in the event of their arrest, in a C.R. invoking Sections 406, 420, 465, 468, 471 read with Section 34 of the IPC.

2. Perusal of the impugned order would reveal a business

transaction and recording that the amount, which is alleged to have been withdrawn from the bank by forging the signature of the informant, the court was satisfied from the bank statement, which was produced, from which it was clear that the amount was utilized for an ongoing project. The court was also impressed by the submission that all the cheques, on which the signature is alleged to have been forged, are in the custody of the HDFC Bank and not in the custody of the applicant. Recording that there is no dishonest intention on the part of the applicant to attract Section 420 of the IPC and, since all the offences are punishable with imprisonment of not more than seven years, the custodial interrogation is held to be unnecessary.

3. In any case, the purpose of custody is not to recover the amount, but to trace the manner in which the transaction has been effected and on the court coming to a conclusion that there was no dishonest intention on the part of the applicant from inception and the deal was in the form of a business transaction, it has rightly conferred protection on the applicant subject to the stipulation that they shall render co-operation to the Investigating Officer.

4. I do not see any legal infirmity in the order and, hence, the application is rejected.

[SMT. BHARATI DANGRE, J.]