IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1886 OF 2022

Purushottam Raju Amin .. Applicant

Versus

The State of Maharashtra .. Respondent

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Mr.Rahul Arote with Ms.Akanksha Verma for the Applicant.
Mr.S.V.Gavand, A.P.P. for the State/Respondent.

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CORAM: BHARATI DANGRE, J.
DATED : 28th JULY, 2022

P.C:-

1. The applicant is apprehending his arrest in C.R.No.I-118 of 2022, registered with Manikpur Police Station, which invoke Sections 420, 465, 467, 468, 471 of I.P.C.

2. The applicant assert that he has no connection with the crime involved and he is working as Assistant Manager, Union Bank of India in the Regional Office at Kapurbavdi, Thane and if he is arrested, he will have to face severe consequences, including he may lose his job. The submission of the applicant

is, accused Nos.1 to 3 are already enlarged on bail and he is ready to render his co-operation in investigation.

3. From the complaint filed by one Alwyn Gonsalves, working as Branch Manager, Kotak Mahindra Bank, Vasai, it can be discerned that on 08/11/2021, their branch received on email from the Clearing Department that they had received one mail from Union Bank of India, Ernaculam Branch, intimating that, one cheque drawn on Union Bank of India, Cumbet Road, Kerala, in the sum of Rs.1,95,600/-, deposited in Kotak Mahindra Bank, bearing No.685965 in the name of Premium Steel is bogus and knowing this fact, one Raju Solanki, has deposited the same in his account and availed the credit.

The complainant, therefore, approached to Manikpur Police Station, which resulted in registration of C.R.

4. During the course of investigation, Raju Solanki came to be arrested alongwith two other accused persons, Vijay Rajput and one Lakhan Pandey. The investigation reveal that accused No.3-Lakhan Pandey prepared a forged cheque and handed it over to Mr.Vijay Rajput, to be deposited in the account of accused No.1 and Raju Solanki and accused No.2 had withdrawn the amount with the help of accused No.1. The

investigation further reveal that accused No.3 acknowledged the receipt of alleged amount of Rs.1,40,000/- and as per the remand report, some money was parted with the applicant also.

5. On the three accused persons already being released on bail, learned counsel for the applicant would submit that there is no need for his custody, as the picture that is emerging, is very clear from the investigation of accused Nos.1 to 3.

Learned A.P.P. Mr.Gavand would submit that the applicant is absconding and by inviting my attention to certain documents, he would submit that the applicant has a major role to play in the entire episode as, being working as Assistant Manager in Union Bank of India and it is he who has shared the details of the accounts of the customers with accused No.3 and by presenting the forged cheque, the amount was withdrawn and one such transaction was noticed by the complainant, which was reported. He would submit that though the said cheque in the name of 'Premium Steel' was only to the tune of Rs.1,95,600/-, the modus operandi adopted by the accused persons would reveal the applicant being in helm of affairs of the bank, has sent the details of the account holders and forwarded the screenshots to accused No.3. These screenshots placed before me, refer to one cheque drawn on Union Bank of India, Gomati Nagar, Lucknow Branch in the name of M.G.Autosales Pvt. Ltd. with given account number and even the specimen signature of one Abhishek Agarwal from M.G.Autosales Pvt. Ltd. is also forwarded to accused No.3. On the basis of the said screenshot, a forged cheque has been prepared and put to use and this was noticed when M.G.Autosales Pvt. Ltd., informed this in their correspondence, with Union Bank of India. Accused No.3 has revealed that the said screenshots are forwarded by the present applicant.

6. The whereabouts of the applicant are not known and despite searching him in Mangaluru, State of Karnataka, he was not found there. The investigation revealed that the applicant was working as, Class I Officer in the bank and he has shared the information of the account holder in his bank and with the help of accused No.3, forged cheques are presented. As far as the cheque alleged to be issued by M.G.Autosales Pvt. Ltd., learned A.P.P. has placed before me the specimen signature of Abhishek Agarwal for M.G.Autosales Pvt. Ltd., which was shared. The screenshot of the said cheque was shared with accused No.3. M.G.Autosales Pvt. Ltd. made a

complaint to the Union Bank of India, Lucknow, stating that they have issued a cheque No.025259 in the name of 'Fortune India' and the cheque has been passed on 18/05/2022 from their CC Account. Another cheque by the same number, being 025259 drawn in the name of Sita Ram Chaurasiya was brought to their notice by the Clearing House on 19/05/2022 with a different name of customer and amount, which was never issued by them. It was, therefore, pointed out to the Branch Manager that the said second cheque is duplicate.

Fortunately, since the original cheque was encashed on 18/05/2022, a day earlier when the duplicate cheque was presented for clearing on 19/05/2022, an attempt on part of the accused persons to withdraw money was unsuccessful.

7. Another complaint is also received by an employee, working with an Investment Firm as an Accountant. He has stated that their company is in possession of investors' blank cheques drawn on different banks and with the permission of the investors, the same are put to use. However, he was informed that one of the investor's cheque drawn on Union Bank of India with account No.520131000585137 vide cheque No.036080 is deposited by accused No.1 in his account of Kotak Mahindra Bank on 04/10/2021, but it was not cleared.

He gave a statement that cheque No.036080 was lying in his custody and they had never issued the said cheque. On confronted with the duplicate cheque, the witness has stated that the print and the signature, is of the person who has given the cheque to the witness, but by identifying the signature, he state that it is forged one.

8. Learned A.P.P. Mr.Gavand has also placed on record the details of various amounts, which came to be deposited in the applicant's account in Union Bank of India through the mobile payment from accused No.3 and this amount is Rs.1,00,000/-, which came into his account from 21/04/2021 to 07/04/2022. Accused No.3 is using three distinct mobiles and from two distinct mobiles, a sum of Rs.39,999/- and Rs.20,000/- has come into the account of the applicant in Union Bank of India. From one another mobile, which is under investigation, further sum of Rs.20,000/- is received by the applicant into his account. Thus, a total sum of Rs.3,63,999/- is received by him through mobile transaction from accused No.3.

In the wake of the conspiracy that is emerging and when the investigation has revealed that it is the applicant, who has supplied the account numbers with specimen signatures, based on which, forged cheques have been prepared, the custodial interrogation of the applicant is necessary to ascertain various transactions, which have been effected, by applying the same modus operandi.

Mere fact that other accused persons are released on bail, is not a ground to deny the custody of the applicant to the investigating agency to unearth the nature of his involvement in the misappropriation of the amount by fraudulently preparing the cheques and presenting the same.

The application, is, therefore rejected.

(SMT. BHARATI DANGRE, J.)