

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT NAGPUR, NAGPUR.

...
CRIMINAL APPLICATION (ABA) NO. 167 /2023

Mr.Ashis s/o Moreshwar Wadhve

.. Applicant

versus

The State of Maharashtra

Through Its PSO PS Sadar, Nagpur

.. Respondent/s

.....
Mr.M.N.Ali, Adv. for applicant

Mr. M.J. Khan, APP for Respondent
.....

CORAM: ANIL L. PANSARE, J.

DATED : 10th April, 2023.

PC:

The applicant is apprehending arrest in Crime No.443/2022 registered with Sadar Police Station, Dist.Nagpur for the offences punishable under Sections 120B, 420, 465, 468, 471 of the Indian Penal Code.

2. Having heard both the sides and having gone through the material placed before me, particularly, the first information report, it appears that the co-accused Rahul Suryawanshi and Satish Khangar are said to be the prime accused in the crime. The Central Bank of India had outsourced the maintenance work of hardware of the gadgets of the bank to M/s Care Corporation, Pune. Rahul Suryawanshi has been appointed as a Resident Engineer, while Satish as Senior Manager and were entrusted with the work of maintenance of hardware and to attend the complaints to that effect. They have allegedly targeted selective accounts, some of which were inoperative and some account holders were residing abroad. Rahul and Satish have made these accounts

operative, firstly by submitting application form and thereafter depositing Rs. 100/-. Thereafter they have collected the cheque book. They have allegedly withdrawn sums from various branches of the Central Bank to the tune of approximately Rs. 20,88,000/-. The applicant is said to have withdrawn an amount from one of such accounts. He has done so on 5th September, 2022 which has been captured in CCTV footage. The applicant claims to have withdrawn some amount through cheque belonging to the account in the name of Ms.Nita Roy. As such, the allegation is that an amount of Rs. 4 lakh has been withdrawn from her account during the period from 22nd June 2022 to 5th September 2022, the role of the applicant has been restricted to withdrawal of the amount on 5th September,2022.

3. The learned APP has opposed the application on the ground that the applicant may be one who has received cheque book.

4. However, during the investigation, which is undergoing for last six months, not a single incident has been revealed to indicate that the applicant has played an additional role than that of withdrawing amount on 5th September, 2022. Nonetheless, the investigation is in progress and the entire story will be unveiled.

5. The learned counsel for the applicant has rightly pointed out that the prime accused i.e. Rahul and Satish respectively, have been granted anticipatory bail by the this Court vide order dated 24.01.2023 whereas the Sessions Court vide order dated 14.02.2023. That apart, the learned counsel for the applicant submits that the applicant has deposited Rs. 4 lakhs. The learned APP has rightly responded that by

depositing Rs. 4 lakhs, the crime committed by the applicant will not be washed out. However, the fact remains that he has paid a substantial amount and that on the basis of depositing the amount the co-accused have been granted the relief.

6. When enquired, the learned counsel for the applicant submits that there are no criminal antecedents against the applicant.

7. Considering the aforesaid fact and the fact that the co-accused, who have played a pivotal role, have been granted the relief there appears no reason why the applicant should not get the benefit of party. Hence the following order :

ORDER

(i) The application is allowed.

(ii) In the event of arrest in Crime No.443/2022 registered with Police Station Sadar, Nagpur for the offences punishable under Sections 120B, 420, 465, 468, 471 of the Indian Penal Code, 1860, applicant-Ashis s/o Moreswar Wadhve , be released on bail on he furnishing P.R. Bond in the sum of 25,000/- with one surety in the like amount.

(iii) The applicant shall attend the concerned Police Station as and when directed by the investigating officer, till filing of the charge-sheet and shall cooperate in the investigation. The attendance of the applicant may be treated as custody for the purpose of discovery of articles u/s . 27 of the India Evidence Act, 1872.

(iv) The applicant shall, at the time of execution of bond, furnish his address and telephone/mobile number(s) to the Investigating Officer and to the Court concerned and shall not change the same till the final disposal of the case.

(v) The applicant shall not directly or indirectly make any inducement, threat or promise to any witness acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or any Police Officer.

(vi) The applicant shall not obstruct or hamper the police investigation and shall not play mischief with the evidence collected or yet to be collected by the Police.

(vii) The applicant shall maintain law and order.

(viii) In case of breach of any conditions, the learned trial court is at liberty to cancel the bail after giving opportunity of hearing to both the sides.

The application is disposed of.

[ANIL L. PANSARE, J.]

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