



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

CRIMINAL APPLICATION (BA) NO.574 OF 2023

Nandkishor Pandurang Hanwate Vs. State of Maharashtra

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Shri P.M. Pande, Advocate for applicant.
Shri M.J. Khan, APP for non-applicant/State.

CORAM : M.W. CHANDWANI, J.

DATE : AUGUST 24, 2023.

Heard learned counsel for the applicant as well as
learned APP for the State. Perused the case diary.

2. The offences punishable under Sections 420, 465, 468,
467, 409 read with Section 34 of the Indian Penal Code and
Section 43(A)(1), 66(1), 66(C), 66(D) of the Information
Technology Act have been registered against the applicant
and other co-accused.

3. The allegation against the present applicant is that he
was working as a Bank Mitra in Vidarbha Kokan Gramin
Bank, Bhadrawati Branch, District Chandrapur and used to
help account holders of the bank in filling various forms,
deposit slips and withdrawal slips. While doing so, the
applicant prepared bogus withdrawal slips and withdrawn
the amount from the accounts of various customers on
account of helping them and getting the amount transferred
in his account and Ritesh Marotrao Dohatare. Therefore, on

the allegation of forgery and cheating on the bank and various customers to the tune of Rs.54,57,310/- the aforesaid crime came to be registered against the present applicant and other co-accused.

4. It is the contention of the learned counsel for the applicant that the applicant has not played any fraud with the customers rather he is temporary employee of the bank and was performing his duties as directed by the bank officials. According to him, the investigation is over and charge-sheet has been filed against the present applicant. The applicant/accused is behind bars since 16.09.2022. Learned counsel for the applicant submits that the applicant be released on bail.

5. Learned APP, on the other hand, submits that there is prima facie material against the applicant of committing offence punishable under aforesaid sections. It is submitted that the huge amount to the tune of Rs.54,57,310/- is involved. The offence is of serious nature and the applicant may flee away from the justice and will not be available for trial, hence, the bail application deserves to be rejected.

6. Perusal of the case diary would reveals that there is statements of material witnesses and various documents seized by the police during the investigation which show the prima facie involvement of the present applicant. It appears that one tractor is also seized from the family member of the

accused. The record shows that the investigation is over rather charge-sheet has already been filed. The applicant is behind bars since more than 11 months. The offence is triable by the learned Judicial Magistrate First Class. I am conscious of the fact that the Courts of Judicial Magistrate First Class are flooded with the matters. The trial is yet to be started and will consume considerable time. It will not be appropriate to keep the applicant behind bars till conclusion of the trial. So far as apprehension put forth by the learned APP would be taken care of by imposing certain conditions. Considering the fact that the investigation is completed and charge-sheet is already filed, the discretion can be exercised in favour of the applicant. Hence, I proceed to pass the following order:

ORDER

- i. The criminal application is allowed.
- ii. The applicant – Nandkishor Pandurang Hanwate be released on bail in connection with Crime No.246/2022 registered with Police Station, Bhadravati, District Chandrapur for the offence punishable under Sections 420, 465, 468, 467, 409 read with Section 34 of the Indian Penal Code and Section 43(A)(1), 66(1), 66(C), 66(D) of the Information Technology Act on executing PR bond in the sum of ₹50,000/- with one or two solvent sureties in the like amount.

iii. The applicant shall furnish the cellphone number and address with address proof. In addition, the applicant shall also furnish the names of his two relatives and their address with address proof.

iv. The applicant shall not tamper with the prosecution evidence or shall not induce, threaten or pressurize any witness, who are connected with the crime.

The application is disposed of in the above terms.

JUDGE

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