



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 2258 OF 2023

Jitendra s/o. Rambhau Thete
Age. 42 years, Occ. Private Service,
R/o. Patharwala (k), Tq. Ambad,
Dist. Jalna.

.. Applicant

Versus

The State of Maharashtra
Through Police Station Officer,
Vazirabad Police Station,
Nanded, Tq. & Dist. Nanded.

.. Respondent

Mr. S.S. Gangakhedkar, Advocate for the applicant.
Mr. S.A. Gaikwad, APP for the respondent/State.

CORAM : SANJAY A. DESHMUKH, J.
DATED : 12.02.2024

PC :-

01. This is an application for grant of bail under section 439 of the Cr.P.C. The applicant is arrested in Crime No.128 of 2023, registered with Vazirabad Police Station, Nanded for the offences punishable under sections 419, 420, 465, 467, 468, 471 and 120-B of the Indian Penal Code.

02. It is alleged that fake bank account was opened in the name of

one Renukamata Multi State Urban Credit Co-operative Society Ltd., which was used illegally from 13.05.2014 to 20.03.2023 for duping of amount of Rs. 4,46,19,541/-.

03. The informant averred in the report that he got notice from Income Tax Department under section 148-A(b) of the Income Tax Act dated 26.03.2023 and it was alleged in it that he did not disclose the transaction worth Rs. 78,16,490/- from the account of said co-operative society. He came to know that his Adhar Card, Election Card etc. were used for opening the fake account in his name. The mobile phone number of his friend Kuldeep Pralhad Wankhede was used for that account. The account opening form is signed by this applicant and another Govardhan Tukaram Mahajan. The applicant is head of Branch at Nanded. His photographs were misused for using with KYC documents. There is fake signature and thumb mark on the documents. The informant further averred that this bogus bank account was opened in his name and used to dupe huge amount. Therefore, he lodged the report.

04. The applicant is arrested on 25.04.2023. The learned Advocate

for the applicant submitted that the applicant has not received any amount in the alleged transaction. He has only opened the account and he has no such criminal intention to cheat and dupe that amount. He has not done any overtact except that of opening the account, which was regular course of business of that co-operative society. The learned Advocate for the applicant further pointed out the order passed by this Court granting bail in Bail Application No.1291 of 2023 to the co-accused Kuldeep Pralhad Wankhede. He pointed out that Kuldeep Wankhede's role was serious. His mobile phone was used. He put his thumb impression for opening the account and he is the prime accused. However, he is released on bail. The learned Advocate further pointed out that though the applicant has criminal antecedents, he was released on bail in Crime No.56 of 2017. The applicant is falsely implicated in the said crime. He lastly submitted that considering the parity and the role of this applicant, the application be allowed.

05. The learned APP for the respondent-State strongly opposed the application and submitted that the applicant is involved in the serious crime. He has criminal antecedents and he was arrested in Crime No.56 of 2017. Thus, the applicant is involved in serious crime. He, therefore prayed to reject

the application.

06. Perused the charge-sheet. No doubt, there are serious allegations against the applicant and other accused. Now, charge-sheet is filed. The applicant has roots in the society. He has performed limited role of drawing bank account in the fake name. But, at this stage, whether there was criminal intention or not cannot be inferred. Meticulous consideration of evidence is not possible and expected at this stage. Considering role of this applicant and the rule of parity as well considering the principal for bail that bail is rule and jail is exception, the application deserves to be allowed on certain conditions.

07. The application is allowed. The applicant be released on bail on execution of PR bond of Rs.50,000/- (Rupees Fifty Thousand) with solvent surety of like amount on following conditions:-

- a) The applicant shall not pressurize the prosecution witness and tamper the evidence.
- b) He shall not leave the State of Maharashtra without prior permission of the Trial Court.

[SANJAY A. DESHMUKH, J.]