IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1903 OF 2024

Mangesh Bhaichand Oswal … Applicant
Vs.
State of Maharashtra … Respondent

Mr. Niranjan Mundargi i/b. Mr. Kunal Ambulkar for Applicant.

Mr. R. M. Pethe, APP for Respondent-State.

Mr. Satish Baliram Shinde, Police Sub-Inspector, Karjat Police Station.

CORAM : MANISH PITALE, J.
DATE : JULY 24, 2024

P.C. :

. Heard Mr. Mundargi, learned counsel for the applicant and Mr.Pethe, learned APP for the respondent-State.

2. The applicant has approached this Court apprehending arrest in connection with FIR No.0163 of 2024 dated 30.05.2024 registered at Karjat Police Station, District - Raigad, for offences under Sections 419, 420, 465 and 468 of the Indian Penal Code, 1860 (IPC).

3. The grievance of the informant, reflected in his statement leading to registration of the FIR, is that when he enquired from the bank where he holds a bank account about the government subsidy being credited in his account, he was told in the beginning of April, 2024 that the amount was credited on 30.03.2024, and that thereafter, it was transferred to the bank account of the named accused person Sanjay Lohkare. It is the case of the informant that he thereafter went to the bank on 19.04.2024 for updating his passbook, when he came to know that on 04.04.2024, the subsidy amount was indeed transferred to the account of the named accused person Sanjay Lohkare. Since the informant had not given any

such instruction, he eventually caused the FIR to be registered on 30.05.2024, having first approached the police on 25.05.2024.

4. It is an admitted position that the said named accused person Sanjay Lohkare was granted anticipatory bail by the Sessions Court by an order dated 14.06.2024.

5. The learned counsel for the applicant submits that in the present case, in the first place, the applicant is not named as an accused in the FIR. It is submitted that there is nothing to connect the applicant with the grievance of the informant. It is further brought to the notice of this Court that the Sessions Court has rejected the application for anticipatory bail on the basis of statement of the bank manager recorded during the course of the investigation and by taking note of the fact that allegations in the present case are of serious nature. It is submitted that the applicant is ready to co-operate with the investigation. Merely because the applicant may have assisted certain farmers to withdraw certain amounts from their bank accounts, it cannot be said that the applicant can be arraigned as an accused or taken into custody with respect to the grievance of the informant in the present case.

6. On the other hand, Mr. Pethe, learned APP has vehemently opposed the present application. He has produced the investigation papers for perusal of this Court. He relies upon statements of certain farmers, who claimed that the applicant used to fill their withdrawal slips, which were signed by them under the pretext that certain amounts, on which he had a claim, were being deposited for some reason into the accounts of the farmers. In this manner, the applicant used to allegedly withdraw the amounts from the accounts of the innocent farmers. The learned APP further relies upon the statement of the bank manager, who has confirmed the fact that the applicant used to get the withdrawal slips signed from the farmers and produce the same in bulk in order to

withdraw the amounts. This, according to the learned counsel, indicates direct involvement of the applicant in such illegal activities and hence he does not deserve any indulgence.

7. This Court has considered the rival submissions in the light of the documents filed along with the application and also after having perused the investigation papers produced by the investigating officer. The grievance of the informant, in the present case, is specific. It is about an amount of Rs.40,000/- pertaining to the government subsidy being illegally transferred from his account to the account of the named accused person Sanjay Lohkare. It is relevant to note that even according to the informant, after having become aware of such illegal transfer in the beginning of April 2024 itself, he first reached out to the police on 25.05.2024 and the FIR was actually registered much later on 30.05.2024. It is also of significance that the named accused person, in whose account the amount was illegally transferred, was granted anticipatory bail by the Sessions Court by an order dated 14.06.2024. There is nothing to indicate that the said order has either been challenged or that the anticipatory bail granted to the named accused person has been cancelled.

8. The entire thrust of the arguments of the learned APP is based on statements of the farmers and the bank manager recorded during the course of investigation. The statements of the farmers show that according to them, for the past ten years, the applicant was adopting the aforementioned *modus operandi* to withdraw amounts from the accounts of such farmers. There is nothing to indicate that such farmers, at any point in time, raised any grievance or caused any FIR to be registered against the applicant. The statement of the bank manager indicates that according to him, the applicant used to remain present with the farmers when withdrawal slips of such farmers were produced in bulk before the

bank. The amounts were allegedly withdrawn on the strength of such withdrawal slips.

9. This Court is of the opinion that the aforesaid material, at this stage, does not indicate any link with the present FIR. It does not indicate involvement of the applicant insofar as the grievance of the informant is concerned. It is not even an allegation that the amount of government subsidy, which was deposited in the account of the informant, found its way to the applicant. The amount is stated to have been transferred illegally into the account of the named accused person Sanjay Lohkare, who has been already granted anticipatory bail. In such circumstances, this Court is inclined to allow the present application, particularly when the applicant undertakes to co-operate with the investigation.

10. In view of the above, the application is allowed in the following terms:-

A. In the event the applicant is arrested in connection with FIR No.0163 of 2024 dated 30.05.2024 registered at Karjat Police Station, District - Raigad, he shall be released on bail on furnishing PR Bond of Rs.50,000/- (Rupees Fifty Thousand only) with one or two sureties in the like amount;

B. The applicant shall appear before the investigating officer on 26.07.2024 between 10:00 a.m. and 12 noon and thereafter, as and when called by the investigating officer. He shall co-operate with the investigation;

C. The applicant shall not influence the informant, witnesses or any person concerned with the case and he shall not tamper with the evidence.

11. In case any of the aforesaid conditions are violated, the present

order would be liable to be cancelled. It is also clarified that the observations made in this order are limited to the disposal of the present anticipatory bail application and the trial Court shall proceed further, without being influenced by the observations made hereinabove.

12. The investigation papers are returned to the investigating officer, who is present in Court.

13. The application stands disposed of.

(MANISH PITALE, J.)

Minal Parab