IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1990 OF 2023

Malhari Limbaji Maind
VERSUS
The State Of Maharashtra

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- Mr. G. J. Kore, Advocate for the Applicant
- Mr. S. B. Jadhav, APP for the Respondent/State

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CORAM : R. M. JOSHI, J
DATE : JANUARY 29, 2025

PER COURT :

1. Applicant apprehends arrest in connection with with C.R. No. 137/2023 registered with Kallam Police Station, Dist. Osmanabad for the offences punishable under Sections 420, 419 read with Section 34 of the Indian Penal Code and Sections 66-C and 66-D of the Information Technology Act.

2. The gist of the FIR shows that there was Central Government Scheme in the name and style as Kisan Sanman Scheme wherein grants are received from the Central Government for its distribution to the farmers. The condition of the said grants is that there should be an account opened in the Fino bank. It is revealed that the account is opened on the Merchand ID

of the present Applicant. Subsequently, amount which were received by the concerned farmers in their respective accounts were misappropriated. Since farmers did not get any money, complaint was made, which has ultimately resulted into lodging of present FIR.

3. Learned Counsel for the Applicant submits that though Applicant admits he permitted co-accused to use Merchant ID, however, he specifically claims thereafter that he was not concerned with the said transaction. It is his submission that merely because bona fide he allowed co-accused to use Merchant ID, he cannot be presumed that he benefited in the crime or said to be in collusion with co-accused.

4. Learned APP opposed the application by pointing out the fact that the money which was supposed to have been received by the farmers was misappropriated by all accused.

5. This Court has posed specific query to the learned APP to point out from the investigation papers as to whether any farmer has specifically approached present Applicant in connection with this transaction.

From the investigation papers and from the statements of farmers it is not seen that they ever approached to the Applicant. Apart from this, there is no evidence on record to indicate that the Applicant is beneficiary of the crime. Merely for the reason that bona fide Applicant permitted co-accused to use his Merchant ID in opening of the bank account in Fino Bank, he cannot be presumed to be in collusion with the co-accused. There has to be some more evidence than this to connect him with the crime. Applicant has no criminal history behind him and he is not likely to flee from justice. In any case, entire evidence is documentary in nature, as such, nothing is to be recovered from him.

6. In view of above, application is allowed by confirming interim order.

(R. M. JOSHI, J.)