

ORDER BELOW EXH.5
(Dated 16/10/2023)

Accused No.1 has filed the instant application for release him on bail. He submitted that the informant Karuna Wasnik lodged report with the police station Old Kamptee Nagpur on 25/09/2022 and as per her complaint FIR came to be lodged against accused No.1 and 2 for the offences punishable under section 420, 409, 406, 467, 468, 471, 120(b) of the Indian Penal Code. The informant lodged first report after 4 years. The alleged theory is false. Alleged amount of crime has already been recovered from accused No.1 and 2 and bulk of amount is lying in the accounts of investigating authority. In the mean time accused No.1 and 2 have deposited Rs.1,00,000/- in Criminal M.A. No.685/2023. No fruitful purpose would be served by keeping the accused No.1 and 2 behind the bars. The case based on documentary evidence, which are already custody of prosecution. The investigation is completed. Accused No.1 and 2 are behind bars since last five months. Finally, prayed for application be allowed.

2] Learned APP filed say at Exh.8. Wherein she submitted that the accused persons are actively involved in commission of crime. Offences are punishable with imprisonment which may extend to life. Accused if released he will misuse his liberty. Hence, application be rejected.

3] Perused the application and say of learned APP. Heard both sides at length.

4] The prosecution has alleged that accused No.1 and 2 were serving in the Nirmal Urban Co-operative Bank, Branch Kamptee as a Manager and Assistant Manager respectively. The informant and her father had kept fixed deposit of Rs.3,50,000/- and Rs.5,00,000/- respectively in the said branch. However, accused No.1 and 2 break such fixed deposit and took loan thereon of Rs.4,50,000/- without her father consent and put forged signature of her father over cheque and withdrawn the said amount. The informant repeatedly demanded said amount therefore, accused No.1 repaid Rs.6,00,000/- and remaining Rs.3,00,000/- yet to be repaid.

5] On perusal of record it appears that accused No.1 is behind bars more than two months. The investigation is completed. Therefore, no purpose would be served by keeping accused No.1 behind bars for indefinite period. The alleged offence is based on documentary evidence and final report indicates that the investigating agency has seized all the material documents. Considering the objection raised by the prosecution it would be just and proper to release accused No.1 on bail by imposing certain conditions. With this I pass following order.

ORDER

- 1] Accused No.1 is released on executing PB and SB of Rs.50,000/-.
- 2] Accused No.1 shall not tamper the prosecution evidence in any manner.
- 3] Accused No.1 shall attend the court each and every date without fail.

Date: 16/10/2023
Kamptee

(Amit A.Kulkarni)
Judicial Magistrate First Class,
Court No.1, Kamptee