

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD**

**CRIMINAL APPLICATION NO. 1532 OF 2015**

Balu @ Limbaji s/o Rambhau Lokhande .... **APPLICANT**

**V E R S U S**

The State of Maharashtra & Anr. .... **RESPONDENTS**

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Mr.S.J.Salunke, Advocate for Applicant.

Mrs. V.A.Shinde, A.P.P. for R – 1 State.

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**CORAM : V.M.DESHPANDE, J.**

**DATE : 8<sup>th</sup> APRIL, 2015**

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**PER COURT :**

1. By the present application, the applicant is claiming anticipatory bail since he is apprehending his arrest in connection with Crime No. 32/2015 for the offences punishable u/s 420, 468 read with 34 of the Indian Penal Code registered with police station Kotwali, Parbhani, dist. Parbhani.

2. Heard Mr.S.J.Salunke, learned Counsel for the applicant and Mrs. V.A.Shinde, the learned A.P.P. for respondent No. 1 – State in extenso.

3. F.I.R. is lodged by Smt. Sumanbai Uttamrao Jagade. The present applicant is one of the close relative of

the first informant. According to the accusations made in the F.I.R., first informant Sumanbai is having bank account at State Bank of Hyderabad, Agricultural Branch, New Mondha, Parbhani. Crop loan was sanctioned to her to the extent of Rs. 50,000/- [Rupees Fifty Thousand] on 04/10/2011. F.I.R. proceeds that in order to complete the formalities of said loan, she has given her pass book, her pass-port photo and her identification card and also other documents to the present applicant. She further states in the F.I.R. that in order to repay the amount of Rs. 50,000/- on 17/05/2013, she gave Rs. 60,000/- in cash. However, the said amount was not deposited by the present applicant in the bank. It is further stated in the F.I.R. that from the pass book it appears that on 22/08/2013 other crop loan of Rs. 1,00,000/- [Rupees One Lakh] was taken and said amount was given to one Champatrao Tarwate, the co-accused who is already released on anticipatory bail by the learned trial Court. F.I.R. further states that her account shows Rs. 1,15,324/-, the debit balance.

According to the F.I.R., since the amount was not deposited in her account, the F.I.R. was lodged.

4. The amount of Rs. 60,000/- which has a reference in the F.I.R. is deposited in the bank account of the first informant on 21/08/2003. It could be seen from the extract of statement of account of the first informant. Further, the said loan account is already closed and no amount is shown to be outstanding in the name of the first informant. It is disclosed to this Court that the amount of Rs. 1,15,000/- is

already deposited by the co-accused.

5. The bank officials, it appears, have satisfied with the documents submitted by the present applicant, which were given to him by the first informant and thereafter the loan process was initiated. The loan account is already clear and no amount is shown to be outstanding in the name of the first informant.

6. Learned A.P.P. submitted that though entire documents are in custody and possession of the Investigating Officer, which he has collected from the bank, he requires custody of the present applicant for obtaining thumb impression of the present applicant.

7. Since all the documents are already in possession and custody of the Investigating Officer, merely for the purpose of obtaining thumb impression, custodial presence of the applicant is not required. The said can be taken care by directing the present applicant to join the investigation by attending police station and extend fullest co-operation to the Investigating Officer, including giving his specimen hand writing and also thumb impression.

8. Hence, I pass the following order :

(i) The present Criminal Application is hereby allowed.

(ii) In the event of his arrest, in connection

with Crime No. 32/2015 for the offences punishable u/s 420, 468 read with 34 of the Indian Penal Code registered with police station Kotwali, Parbhani, dist. Parbhani applicant Balu @ Limbaji s/o Rambhau Lokhande be released on anticipatory bail on he executing P.R. Bond of Rs. 5,000/- [Rupees Five Thousand] with one solvent surety of like amount.

(iii) The applicant shall attend police station on 17/04/2015 at 10.00 a.m. and shall remain in the police station till 3.00 p.m. The applicant is directed to give his specimen hand writing and also thumb impression.

(iv) The applicant shall attend police station further as and when required for the investigation by the Investigating Officer. However, for that the Investigating Officer shall give notice in writing to the present applicant giving 24 hours time to attend police station.

(v) With these observations, present Criminal Application is disposed of.

**[V.M.DESHPANDE, J.]**