

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

CRIMINAL APPLICATION NO. 3012 OF 2015

Dipak Nimba Patil

.... **APPLICANT**

V E R S U S

The State of Maharashtra

.... **RESPONDENT**

.....

Mr. V.P.Patil, Advocate for Applicant.

Mr. V.H.Dighe, A.P.P. for Resp. – State.

.....

CORAM : V.M.DESHPANDE, J.

DATE : 20th JULY, 2015

.....

PER COURT :

1. This is an application for grant of anticipatory bail since the applicant is apprehending his arrest in connection with Crime No. 02/2015 registered with Chalisgaon police station, District Jalgaon for the offences punishable u/s 418,420 read with 34 of the Indian Penal Code.

2. Heard Mr. V.P.Patil, learned counsel for the applicant and Mr. V.H.Dighe, learned A.P.P. for respondent – State.

3. According to the prosecution, present applicant has obtained loan of Rs. 1,25,000/- from Sagar Nagari Sahakari Patsanstha Ltd., Chalisgaon. F.I.R. states that while

obtaining loan, applicant has mortgaged land G.No. 140 situated at village Dhomane admeasuring 2 H. 60R. According to the prosecution, since the applicant was in default, therefore, requisite proceedings for recovery of the said amount was initiated by said Patsanstha before the competent authority and the competent authority issued Recovery Certificate against the present applicant. While executing said Recovery Certificate, it was noticed that G.No. 140 is not standing in the name of the applicant, however it stands in the name of his father Nimba Patil. Therefore, the offence was registered.

4. It is not in dispute that presently the applicant is required to pay Rs. 2,06,000/-. Applicant has filed affidavit before this court, by which it is pointed out that the applicant has already deposited Rs. 1,00,000/- in the said Patsanstha and he has submitted that he shall be depositing remaining amount with the Patsanstha within a period of one month.

It is also not disputed that the father of applicant resides with the applicant. Applicant has already deposited Rs. 1,00,000/- and has also shown willingness to clear entire amount of the Patsanstha within a period of one month. Further, looking to the nature of the accusations, custodial presence of the applicant is not necessary in view of the willingness which the applicant has shown. That leads me to pass the following order.

(i) Present Criminal Application is hereby allowed.

- (ii) In the event of arrest in connection with Crime No. 02/2015 registered with Chalisgaon police station, District Jalgaon for the offences punishable u/s 418,420 read with 34 of the Indian Penal Code, applicant Dipak Nimba Patil 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) Present applicant shall clear all the outstanding amount by making payment to Sagar Nagari Sahakari Patsanstha Ltd., Chalisgaon within a period of one month from today, failing which said Patsanstha as well as the Investigating Officer shall be at liberty to file application for cancellation of bail.
- (iv) With these observations, Present Criminal Application is disposed of.

[V.M.DESHPANDE, J.]