IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 236 OF 2015

Miss Simmi Paul .....Applicant
V/s.
The State of Maharashtra ....Respondent

Mr. Nikhil H. Seth for Applicant
Ms. Rutuja Ambekar APP for the State.
Mr. Ajay Kshirsagar P.I. D. N. Nagar Police Station, Andheri (W), Mumbai.

CORAM : SMT. SADHANA S. JADHAV, J.
DATED : 16th JULY 2015

PC :

Heard. This is an application under section 438 of Code of Criminal Procedure, 1973. Applicant herein is apprehending her arrest in crime no. 341 of 2013 registered at D. N. Nagar, Andheri Police Station for offence punishable under sections 420, 465, 467, 468, 471 r/w 34 of Indian Penal Code.

2) It is the case of prosecution that ON 09/07/2013, Narendra Sinh Negi who is working as Manager of Bank of Baroda, Amboli branch, Andheri lodged a report at the police station alleging therein that the bank extends car loan, home loan and educational loans to its consumers. In December 2012, one Mahalaxmi Pilai had approached the bank and has solicited car loan. She

was directed to open a savings account in the said bank. Accordingly, she had opened the savings account. On 28/12/2012, loan of Rs. 9,70,000/- was sanctioned. One Smt. S. Selvi had stood as guaranteer. The loan amount was disbursed in favour of Star Motors in the account of Syndicate bank, Santacruz on 31/12/2012. Thereafter, several people had obtained car loan. As far as present applicant is concerned, it is alleged that present applicant had approached the bank in February 2013 soliciting car loan for purchase of Innova car. She had also opened the savings account on 13/02/2013. On 16/02/2013, loan of Rs. 10,00,000/- was sanctioned in favour of present applicant. Amit Sawant has stood as guaranteer for the said loan. Said amount was also deposited in the same branch, Syndicate Bank, Santacruz East. Complainant has specifically alleged that applicant had submitted forged and fabricated documents for the purpose of obtaining car loan. Car was never purchased and the amount was used for personal purposes. Applicant has therefore, apprehended her arrest.

3) Learned APP submits that since the registration of the offence, the whereabouts of applicant were not known. It was transpired in the course of investigation that all the amounts were transferred in the account of Siddhi

Auto Corporation by the bank. Learned APP has filed an affidavit and has urged that Siddhi Auto Corporation account no. 50261010011137 stands in the name of arrested accused Mahalaxmi Pilai. The address of Siddhi Auto Corporation is fake.

4) Learned counsel for the applicant submits that although applicant had solicited car loan, she has never received the car, however, it has transpired in the course of investigation that she had reimbursed amount of Rs. 1,28,000/- to Bank of Baroda in three installments in the loan account. This by itself, would show that applicant is misleading. She has acted in collusion with Siddhi Auto Corporation and has helped Corporation to obtain loan by illegal means. In such cases, custodial interrogation would be imperative.

5) Learned counsel for the applicant has placed reliance upon the order passed by this Court (Coram: S. S. Parkar, J.) reported in **2001 ALL MR 1892** wherein Hon'ble court had observed that main culprits are enlarged on bail under section 439 of Code of Criminal Procedure, 1973 and therefore, Court was pleased to grant pre-arrest bail to the applicant.

6) It is apparent that the said order was on the facts of the said case. It is neither an obiter nor a judgment which has set a precedent for grant of pre-

arrest bail. In view of this, application deserves to be rejected.

ORDER

(i) Application, being sans merits, stands rejected.

(SMT. SADHANA S. JADHAV, J.)