Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 343 OF 2015
WITH
ANTICIPATORY BAIL APPLICATION NO. 344 OF 2015

Anil Deepchand Rajpal … Applicant
vs.
The State of Maharashtra … Respondent

Mr. Laxman P. Kanal, Advocate for the applicant.
Mr. D.P. Adsule, APP for the State.

CORAM : MRS. MRIDULA BHATKAR, J.
DATE : 23rd March, 2015.

P.C.

These Applications are moved for anticipatory bail by the applicant/accused, as the complaint is given by a Bank Manager of UCO Bank, Kharghar Branch informing that Dilip Chhabrai and Gaurav Mehta along with other accused has misappropriated the fund by committing fraud with the bank. Pursuant to the said complaint, the offences are registered against Dilip Chhabria and co-accused at C.R. No. 37/2013 and Gaurav Mehta and co-accused at C.R. No. 38/2013 with Kharghar Police Station, Navi Mumbai for the offences punishable under sections 420, 465, 468, 471 r/w. 34 of the Indian Penal Code.

2. The offence has taken place between 14th June, 2012 to 16th February, 2013. Dilip Chhabria and Gaurav Mehta approached the bank

for loan. They wanted to buy a car and produced the relevant documents. On the basis of these documents, loan was passed with monthly installment payable for a period of seven years.

3. It is the case of the prosecution that though the loan amount was disbursed, only two installments were paid and thereafter there was no repayment of the loan. Therefore, the Bank Manager verified the position. He found that no such vehicle was purchased and on a false representation, the loan amount was obtained. It is the case of the prosecution that the documents produced like Pancard, RTO driving licence were not genuine. On the basis of the forged documents, the accused obtained the loan. After registration of the offence and as the police started investigating the matter, they came across the names of the applicants/accused who are involved in this forgery, therefore, they wanted the custody of the applicants/accused to find out the nature and scope of the offence.

4. The learned counsel for the applicants/accused has submitted that the offences are registered in February, 2013. The role of the applicants/accused is transpired in January, 2015. The applicants/accused are innocent and they did not apply for the loan nor the loan is disbursed to them. They are not concerned with the offence

and are falsely implicated in this case. He further submitted that all other accused are on bail.

5. The learned APP opposed the Applications. Learned APP pointed out that the applicants/accused are working along with the other accused systemically and there are nearly 6 to 7 offences registered against the accused ranging from 1998 till 2014. The learned APP submitted that the applicants/accused are involved in the forgery and their custody is required to find out how and from where the forged documents like Pancard, ration card and electricity bill are prepared for the commission of this offence.

6. Perused the FIR. Perused the papers produced by the learned APP. Heard the learned defence counsel. It is true that no direct connection is shown in the FIR against the applicants/accused, however, it is a case of forgery and creation of forged documents which were presented before the Bank to obtain the loan. It appears that the offence of cheating and forgery against the Bank is not only one but there are another offences. The offence of forgery and cheating which were registered in the year 2013 and 2014 are pending against the applicants/accused. In view of this, as the police suspect and there is evidence against the applicants/accused to show that they have prepared

the forged documents, this is not a fit case to grant pre-arrest bail to the applicants/accused. The other accused are released on bail cannot be a ground to grant pre-arrest bail to the applicants/accused, Hence, the Applications for anticipatory bail are rejected.

(MRS. MRIDULA BHATKAR, J.)