

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 410 OF 2015

Kalpesh Shailesh Choudhary	...	Applicant
V/s.		
The State of Maharashtra	...	Respondent

Mr. G.T. Kanchanpurekar, for the applicant.
Miss. A.T. Javeri, A.P.P. for Respondent-State.

CORAM : REVATI MOHITE DERE, J.
DATED : 20th MARCH, 2015.

P.C.

1. Heard.
2. By this application, the applicant seeks pre-arrest bail in connection with C.R. No.129 of 2014, registered with the Navghar Police Station, Mumbai for the alleged offences punishable under Section 420, 465, 468, 471 read with 34 of the Indian Penal Code.
3. The complainant is one Mahadu Ramchandra Metangale, the Administrative Officer of 'Vishal Junnak Sahakari Pathpedhi Maryadit (Pathsantha)', Byculla Branch. According to the complainant, the present applicant along with the co-accused, namely Umesh Krishna Gharat and Santosh Kathod Patil, had sought a loan of Rs. 9,50,000/- from the said

Pathsantha by submitting forged and fabricated documents. The applicant is stated have initially paid three installments and thereafter, no payment was made and hence the aforesaid complaint was registered as against the applicant and two others.

4. The learned counsel for the applicant submitted that the applicant had taken a loan in the year 2011 from the Pathsantha, for purchase of a car from Balaji Motors. He submitted that although for a period of three months he did not receive delivery of the car from Balaji Motors, the applicant paid three installments to the said Pathsantha. He submitted that thereafter, as the applicant did not receive delivery of the vehicle, he stopped paying the installments to the Pathsantha. According to the learned counsel for the applicant, all the documents, which are in the nature of documentary evidence, are in the custody of the police, and therefore, custodial interrogation of the applicant is not necessary.

5. The learned A.P.P. opposed the application and submitted that the documents, more particularly the insurance policy, clearly shows that the same has been forged and fabricated and thereafter submitted to the Pathsantha, for obtaining the loan.

6. Prima facie, there is material to show that forged and fabricated documents, were submitted by the applicant, for obtaining the loan from the Pathsantha. It is also appears, that despite non-delivering of the vehicle, no steps were taken by the applicant against Balaji Motors. Considering the material on record, the custodial interrogation of the applicant is necessary. This is not a fit case, for enlarging the applicant on pre-arrest bail. The application is accordingly, rejected.

7. It is made clear, that if the applicant files an application seeking regular bail, the same shall be decided by the appropriate court, on its own merits, uninfluenced by the observations made herein, as the observations are prima facie, for deciding the present application.

(REVATI MOHITE DERE, J.)