

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.463 OF 2015

Amrut Damodar Kuthe and Others	... Applicants
vs.	
State of Maharashtra	... Respondent

WITH

ANTICIPATORY BAIL APPLICATION NO.464 OF 2015

Mohan Deoji Mhatre and Others	... Applicants
vs.	
State of Maharashtra	... Respondent

Mr. J. Shekhar i/b. J. Shekhar and Co., for the Applicants.
Mr. D.P. Adsule, APP for Respondent – State.

CORAM: **MRS.MRIDULA BHATKAR, J.**

DATE: **JUNE 15, 2015**

P.C.:

. Two applications are moved as the applicants/accused are facing arrest in C.R. No. 17 of 2015 registered with Nagothane police station, Raigad for the offences punishable under Sections 420, 467, 468 and 471 of the Indian Penal Code.

2. It is the case of the prosecution that a scheme namely "*Kisan Credit Scheme*" was released in Bank of India and under that scheme, loan was offered upto Rs. 50,000/- per hectare for agricultural activities. The applicants/accused wanted to avail benefit of that scheme and therefore they submitted 7/12 extracts of their lands and thereafter loan amount was disbursed in the year 2012-13. However, it was transpired subsequently that the 7/12 extracts which were submitted in the bank were forged as the signature on those 7/12 extracts do not of the Talathi which is the complainant Tanaji Shinde but of some other person. Hence, offence was registered.

3. The learned counsel for the applicants/accused submitted that applicants/accused have paid-off the entire loan and there are no dues against the applicants/accused. It is further submitted that on verification of the 7/12 extracts the bank has disbursed the amount.

4. The learned prosecutor submitted that the documents 7/12 extracts were forged and bank acted upon those documents. He argued that there are antecedents against some of the accused especially Amrut Kuthe and Mohan Mhatre.

5. Perused the first information report and the report filed by the police. It appears that 7/12 extracts which were produced before the bank were forged. However, the entire loan is paid-off. Police required custody of the applicants to obtain their subsequent signatures and to know from where the seals and signatures of Talathi were made. For that pre arrest bail is refused to the applicants/accused Amrut Kuthe and Mohan Mhatre who are having criminal antecedents of earlier involving in the similar offences. However, pre arrest bail can be granted to the remaining applicants/accused.

6. Hence, I grant anticipatory bail as under:

- a) In the event of arrest, the applicants/accused Nos. 2 to 9 in A.B.A. No. 463 of 2015 and applicants/accused Nos. 2 and 3 in A.B.A. No. 464 of 2015 be enlarged on bail on furnishing P. R. Bond in the sum of Rs. 15,000/- (Fifteen Thousand) each with one or two solvent surety/s in the like amount;
- b) These applicants/accused shall attend Nagothane police station, Raigad on 22nd and 26th June, 2015 in between 4.00 pm to 6.00 pm.
- c) They shall cooperate with the investigating officer.

7. Pre arrest bail to applicants/accused Amrut Damodar Kuthe and Mohan Deoji Mhatre is rejected.

8. Anticipatory bail applications are disposed of on the above terms.

(MRS.MRIDULA BHATKAR, J.)