

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.687 OF 2015

Raju Pundalik Deshpande	... Applicant
vs.	
The State of Maharashtra	... Respondent

Mr. Kuldeep Patil, for the Applicant.
Mr. J.H. Ramugade, APP for Respondent – State.
IO. Mr. D.H. Rakh (API), Khandeshwar police station present.

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

DATE: **JULY 06, 2015**

P.C.:

1. The application is moved for pre arrest bail as the applicant/accused is facing charges for the offences punishable under Sections 465, 467 and 471 of the Indian Penal Code in C.R. No. I-26 of 2014 registered with Khandeshwar police station, Navi Mumbai.

2. It is the case of prosecution that the complaint is given by one Dilip Jadhav. It is his case that the applicant/accused has opened a bogus account in the HDFC bank, New Panvel branch and for opening the account, his Pan-card and Identity card were used

fraudulently by the applicant/accused. It is the case of the prosecution that, after opening a bogus account by using the name of the complainant and by forging his signature, the amounts were transacted from that account. It is the case of the complainant that the amount of Rs. 65 lacs was not paid to him pursuant to the transaction of the land entered between them. It is his case that in that transaction, the applicant/accused has asked the complainant to handover his documents as a proof of his identity to enter into an agreement of Sale. Accordingly, the complainant had handed over the photocopies of the documents to him and then the applicant/accused misused those document for opening a bank account in the HDFC bank, Navi Mumbai in the name of the complainant.

3. The learned counsel for the applicant/accused has submitted that, the applicant/accused has not committed any offence. He is falsely implicated by the complainant. He submitted that, though there was a transaction of land between the complainant and the applicant, as he is the owner of one company, there were some transactions in the name of the said company. So also the transactions in respect of land owned by the complainant which was purchased

by the applicant/accused in the name of one Vishwanath Jadhav i.e. his partner. He submitted that the complainant has received the amount of Rs. 1,40,00,000/- and accordingly it is mentioned in para – B of the said agreement. He submitted that there is a change in the amount written in the cheque. Though the cheque was of Rs. 65,000/- only, the complainant has put ‘0’ in the figure and made it 65 lacs. He submitted that the applicant has not committed any offence. The applicant/accused is in fact had to pay the amount of Rs. 45,000/- to the three sisters of the complainant.

4. The learned prosecutor has submitted that the investigating officer requires custody of the applicant/accused because it is a case of forgery. He relied on the statement of the witnesses especially of the witness Umesh Adhikari, a bank officer. He further submitted that till today three offences are registered against the applicant/accused and out of which two are of cheating and forgery and one is under section 304-A of Indian Penal Code at different police stations in Navi Mumbai.

5. Perused all the documents. It appears *prima facie* that the

applicant/accused has committed the offence very intelligently. Perused the statement of Umesh Adhikari who is a bank officer. The bank officer, relaying on the statement of the applicant/accused, opened the impugned bank account in the name of one Dilip Jadhav. He stated that the applicant/accused has represented that Dilip Jadhav is his brother and he is unable to come and therefore he requested to open a bank account and that officer had opened the account though Dilip Jadhav never appeared before him. *Ex-facie* it appears there is a forgery in opening a bank account and also in the table of impugned Sale Deed in respect of the amount of Rs. 65,000/-. Hence, this is not a case where a pre arrest bail can be granted. I am not inclined to grant pre arrest bail.

6. Hence, the application stands rejected.

(MRS.MRIDULA BHATKAR, J.)