

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 690 OF 2015

Madhukar Ramchandra Ghadigaonkar

.....Applicant

V/s.

The State of Maharashtra

....Respondent

Ms. Darshana Tripathi i/b Mr. Vibhuti Desai for Applicant

Mr. Y. M. Nakhwa APP for the State.

Mr. C. G. Ghag, A.P.I. Naupada Police Station

CORAM : SMT. SADHANA S. JADHAV, J.

DATED : 2nd JULY 2015

PC :

Heard. This is an application under section 438 of Code of Criminal Procedure, 1973. Applicant herein is apprehending his arrest in crime no. 528 of 2013 registered at Naupada Police Station for offence punishable under sections 467, 468, 471, 420, 406, 120 (B) r/w 34 of Indian Penal Code.

2) It is the case of prosecution that applicant herein is co-owner of the flat situated at Rashmi Garden, Building no. 2, room no. 403. That he operates joint account with his two sons who happen to be accused no. 1 & 2. It is the case of prosecution that officer of GIC Housing lodged a report at the police station alleging therein that one Mukesh Sharma had filed an application

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seeking housing loan for the property situated in Rashmi Garden, Building no. 2, room no. 403 and at the time of obtaining loan, he had submitted relevant documents. Subsequently, it was revealed that documents filed by Mukesh Sharma are forged and fabricated. Installments were not paid. Hence, bank lodged a report alleging therein that bank has been cheated for an amount of Rs. 22,00,000/-.

3) It is a matter of record that till today, Mukesh Sharma is absconding. Prima facie, it cannot be said that present applicant was the beneficiary. Sons of applicant herein have been arrested on 16/12/2014 and have been enlarged on bail on 19/12/2014. All the incriminating material has been seized at their instance.

4) Learned counsel for the applicant submits that applicant herein happens to be a senior citizen and is suffering from old age ailments. It is also submitted that applicant was unaware of the activities of his son and therefore, he cannot be responsible for the same. Learned counsel for the applicant submits that custodial interrogation would be unwarranted and unjustified in the present case.

5) Taking into consideration the facts of the case and the fact that sons of applicant who happen to be co-accused were arrested and enlarged on bail, applicant herein deserves

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pre-arrest bail. It is made clear that observations made herein above are prima facie in nature and shall not be considered for quashing of F.I.R., discharge application or at the time of trial.

ORDER

- (i) Application is allowed.
- (ii) In the event of arrest, applicant be enlarged on bail on furnishing P. R. bond in the sum of Rs. 25,000/- with one or two solvent sureties in the like amount.
- (iii) Applicant shall report to concerned police station on 08/07/2015 & 09/07/2015 between 10.00 a.m. to 01.00 p.m. and furnish his address, cellphone/landline no. and other address for communication as well as co-operate with the investigating agency to the best of his capacity.
- (iv) Application stands disposed of.

(SMT. SADHANA S. JADHAV, J.)