IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.810 OF 2015

Shri Manik R. Birla & Ors. ... Applicants

Vs.

The State of Maharashtra ... Respondent

Mr.Vinay Kumar Bajpai for the Applicants

Mr.S.S. Pednekar, APP, for Respondent – State

CORAM: **MRS.MRIDULA BHATKAR, J.**
DATE: **JULY 1, 2015**

P.C.:

1. The application is moved for pre-arrest bail as the applicants are apprehending arrest in relation to C.R. No.55 of 2015 registered at Warje Malwadi police station, Pune for the offences punishable under section 420 r/w section 34 of the Indian Penal Code.

2. The complaint is given by one Anil Hiraman Bajare, Manager of Janaseva Sahakari Bank, Warje branch. It is the case of the complainant that both the applicant/accused and his wife are in the business of sale of cement and steel. They have obtained loan of approximately 1 crore from the bank. Against the loan, nearly 10 immovable properties of both the accused Manik Birla and Vandana Birla were mortgaged with the bank on

different dates i.e., on 5.3.2009, 15.11.2010 and 26.2.2013. The applicants/accused sought permission to sell the properties which were mortgaged to clear the loan. After obtaining such permission, though the properties were sold, and one of the properties was sold for Rs.50 lacs, it on paper, the same was shown for a lesser amount and they did not deposit the amount of loan. As per the valuer's report, the total amount of loan of Rs.12,80,00,000/-. The applicant did not repay the amount of loan of depositing the amount which he had received after selling the mortgaged property and thus, they duped the bank for an amount of Rs.12,47,92,669/-.

3. The learned Counsel for the applicants/accused has submitted that this is a false case as the applicants/accused have not committed any offence. The wife of the applicant/accused No.1 is innocent. It is further submitted that it is a bank transaction of civil nature and the applicants/accused are innocent. They are entitled to pre-arrest bail.

4. Learned Prosecutor has pointed out that there are 26 civil suits which are filed against the applicants/accused as they have not only cheated the bank but also other companies and other persons.

5. Perused the FIR and the documents produced by the applicants/accused and the Bank. It appears from the FIR and the documents that there are many proceedings against the

applicants/accused as he has taken money and duped not only the bank but many people. The learned Prosecutor has produced one order dated 26.2.2015 passed by this Court in another Anticipatory Bail Application No.1328 of 2014 and while rejecting the said application, this Court has observed that there are various cases filed against the present applicants/accused and given a list of the persons. Thus, it is clear that he appears to be a habitual cheater.

6. In the circumstances, no case for pre-arrest bail is made out. Hence, the application is rejected.

(MRS.MRIDULA BHATKAR, J.)