

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 1328 OF 2014

Manik R. Birla

.....Applicant

V/s.

The State of Maharashtra

....Respondent

Mr. Bajpai a/w Mr. P. G. Sarda, Advocate for Applicant
Mr. S. S. Pednekar APP for the State.

CORAM : SMT. SADHANA S. JADHAV, J.
DATED : FEBRUARY 26, 2015

PC :

1) Heard. This is an application under section 438 of Code of Criminal Procedure, 1973. Applicant herein is apprehending his arrest in crime no. 430 of 2014 registered at Pimpri Police Station for offence punishable under section 418 & 420 of Indian Penal Code.

2) Applicant herein had approached the Court of Sessions seeking pre-arrest bail. Said application was rejected by an order dated 07/10/2014. By an order dated 13/10/2014, this Court (Coram : Mrs. Mridula Bhatkar, J.) had granted interim protection to the applicant since it was the first date and learned APP had sought time to obtain instructions, however, Hon'ble Court

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(Coram : Mrs. Mridula Bhatkar, J.) had imposed a condition that applicant shall attend the police station on every Friday and Monday between 6.00 pm to 8.00 pm. Interim relief granted in favour of the applicant was extended by subsequent orders passed by Hon'ble Justice P. D. Kode (Retired) from 03/11/2014 till 19/12/2014. On 19/12/2014, interim relief was continued and matter was adjourned to 05/01/2015.

3) On 05/01/2015, learned APP had sought an adjournment. Hence, the matter was adjourned to 07/01/2015. Learned APP had again sought extension of time and hence, matter was adjourned to 21/01/2015.

4) On 21/01/2015, learned APP, after hearing queries made by this Court and a specific query as to whether applicant has any criminal antecedents of similar nature, learned APP sought time to file additional affidavit. Time was granted. On 16/02/2015, learned counsel for the applicant, on personal grounds had sought an adjournment.

5) On 23/02/2015, this Court (Coram: Smt. Sadhana S. Jadhav, J.) had

heard the matter at length. Statement of officers of Jansewa Sahakari Bank Ltd. Pune was perused. It was contended by the officer that the said property was mortgaged with the bank on 15/11/2010. Officer had observed that property mortgaged with the bank was sought to be sold/mortgaged with the financial company. At that juncture, for the first time, learned counsel for the applicant submitted that by an order dated 04/07/2013, bank had granted permission to sell the mortgaged properties, on the basis of the resolution passed by the Board of Directors. Applicant had never brought it to the notice of Investigating Officer or to this Court before 23/02/2015 that he was granted permission to sell the property. It was noticed that applicant had not complied with the order dated 13/10/2014. No plausible, satisfactory explanation was furnished for non compliance of the order passed by the High Court and hence, by an order dated 23/02/2015, this Court had vacated the interim relief on the ground that there had been breach of conditions. Matter was listed for orders on 26/02/2015.

6) Learned APP has filed an additional affidavit, sworn by Police Inspector, crime branch, who was investigating crime no. 430 of 2014. It is

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stated in the said affidavit that applicant has paid substantial amount to the complainant. It is submitted that applicant herein had failed to repay the loan and advance to the first informant and his financial company. Hence, applicant had requested first informant to purchase a plot situated at Warje within the limits of Sub-Registrar at Haveli. Complainant had been informed that applicant had taken a loan of Rs. 4 Crores from Jansewa Bank against Warje plot. Complainant had given a public notice expressing his intention to purchase the said plot. Complainant received two objections from Rohit Labade and Anil Jadhav contending therein that applicant had taken loan against the same property. It is further averred that applicant had expressed his inability to make payment. There were exchange of legal notices between complainant and applicant. Investigating Officer has placed on record the details of the cases filed against present applicant. That the applicant is facing criminal prosecution as well he is a defendant in several suits. He is facing 25 cases.

7) It prima facie appears that applicant herein had cheated several people by executing sale deed. There are various cases filed against present applicant

from (i) Meenakshi Steel Corner, (ii) Rasilika Trading & Invest. Co. Pvt. Ltd. (iii) Odhavji & Co. (iv) Kotak Mahindra Bank (4 cases) (v) Shrikant Pawar (2 cases) (vi) Amol Pawar (2 cases) (vii) Mohan Mate (2 cases) (viii) Sachin Barate (ix) Chetan Barate (x) Hanumant Godse (3 cases) (xi) Nirmalkumar Associates (xi) Sandesh Bhondve (xii) Suresh Chaudhari (xiii) Jori Properties (xiv) Rajendra Kandkurte (xv) Sandeep Bhadale. Hence, it is clear that applicant herein is in habit of cheating the people and companies in matters pertaining to sale and purchase of lands. Hence, following order.

ORDER

- (i) Application stands rejected.

(SMT. SADHANA S. JADHAV, J.)