

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 2903 OF 2016

1. Bansilal s/o Motilal Lohiya,

2. Kacharubai w/o Bansilal Lohiya,

Both R/o. Beed.

...Applicants

versus

The State of Maharashtra
through Police Station Beed (City)
Tq. & Dist. Beed.

...Respondent

.....
Mr. M.A. Tandale, Advocate for applicants
Ms. R.P. Gour, A.P.P. for respondent/State
.....

CORAM : N.W. SAMBRE, J.

DATE : 23rd JUNE, 2016

ORAL ORDER :

The applicants are seeking pre-arrest bail in Crime No.147 of 2016 registered with Beed City Police Station, District Beed, for an offence punishable under Sections 420, 406, 467, 468, 471 of the Indian Penal Code.

2. The prosecution case is that the applicants are shown to have mortgaged their agricultural land to nationalized bank and have obtained loan, however, it is later on noticed that by playing fraud, the loan was obtained by submitting incorrect 7/12 extract.

3. Mr. Tandale, learned Counsel for the applicants submits that the applicants are senior citizens. Applicant No. 1 is aged about 78 years and applicant No.2 is of 70 years. According to him, the applicants are not in a position to deposit the amount in view of famine suffered during last two to three years. He would then submit that the applicants' custodial interrogation is not necessary they being senior citizens and the applicants have signed documents of loan under the pressure of their son.

4. Learned A.P.P. opposed the application on the ground that the offence was financial implication and there is sufficient material to form opinion during preliminary investigation that the applicants have played fraud. He would then submit that by granting protection, wrong message will be gone and custodial interrogation is very much necessary.

5. From the investigation papers, it depicts that the applicants have played fraud on the financial institution and there is prima facie involvement of the applicants in the crime in question.

6. Even though one of the accused Swapnil is already released on regular bail will be of hardly any assistance in the

present case to the applicants, as custodial interrogation of the applicants, in my opinion, is very much necessary. It is required to be noted that applicants' involvement is financial implication and the Courts will be slow in granting bail in such offence.

7. In view of above, no case for grant of bail is made out. As such, the application fails, same stands rejected.

[N.W. SAMBRE, J.]

Tupe/