

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.95 OF 2016

Amod Ashok Chakankar	...	Applicant
Vs.		
The State of Maharashtra	...	Respondent

Mr. Jayesh Kocheta, Adv. for the applicant.

Mr. Arfan Sait, APP for State.

Mr. C.H. Mudhe, PSI, Faraskhana Police Station Pune present.

CORAM : SMT ANUJA PRABHUDESSAI, J.

DATE : 15th February, 2016.

P.C. :

1. This is an application for anticipatory bail filed by the aforesaid applicant apprehending his arrest in Crime No.169 of 2015 registered with Faraskhana Police Station, Pune for the offences punishable under Sections 420, 465, 467, 468, 471 read with 34 of the IPC.

2. Heard Mr. Kocheta, the learned counsel for the applicant and Mr. Arfan Sait, the learned APP for the State. I have considered the submissions advanced by the learned counsels for the respective parties. The records prima facie reveal that the co-accused had availed loan of Rs.88,85,243/- from PNB Housing Finance Ltd., Pune by mortgaging his property. The co-accused repaid loan of Rs.71 lacs

and thereafter availed loan of Rs.70 lacs from Mahesh Sahakari Bank Ltd., Raviwar Peth, Pune. The FIR reveals that the co-accused thereafter availed loan from Union Bank of India and Bank of Maharashtra without disclosing the fact that he had already availed loan from Mahesh Sahakari Bank and said loan is still outstanding and was not repaid.

3. The records further reveals that the applicant herein was a guarantor to the loan account with Mahesh Sahakari Bank. He was not a guarantor to the subsequent loan transactions. Hence prima facie the material on record does not disclose offence of cheating against this applicant. Considering the above facts and circumstances, the applicant is entitled for bail. Even otherwise the applicant is a permanent resident of Pune and there is no possibility of absconding.

4. Hence the application is allowed under the following terms and conditions.

1. In the event of arrest of the applicant in Crime No.169 of 2015 registered with Faraskhana Police Station, Pune, the applicant shall be released on bail bond of Rs.25,000/- (Rupees Twenty

Five Thousand Only) with one or two sureties in the like amount to the satisfaction of the JMFC, 2nd Court, Pune .

2. The applicant shall report to investigating officer for 4 days from 10 am to 1 pm from the receipt of this order and further as and when called by the investigating officer for the purpose of the interrogation.
3. The applicant shall not leave district Pune till filing of the chargesheet without prior permission of the Court.

(ANUJA PRABHUDESSAI, J.)