

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.342 OF 2015

Dindayal Chandratan Mundhara	... Applicant
vs.	
The State of Maharashtra	... Respondent

Mr. Ghanshyam Upadhyay i/b. Law Juris, for the Applicant.
Mrs. P.P. Shinde, APP for Respondent – State.

CORAM: **MRS.MRIDULA BHATKAR, J.**

DATE: **16th MARCH, 2016**

PC.:

. The application is moved for pre arrest bail as the applicant/accused is facing charges for the offences punishable under Sections 420, 465, 467, 468, 471 and 474 read with 120-B of the Indian Penal Code in C.R. No. I-174 of 2014 registered with Manikpur police station, Vasai, Dist. Thane. The offence is registered at the instance of one Kailasnath Mallik on 3rd July, 2014.

2. It is the case of the prosecution that the complainant is the Branch Manager of Union Bank of India, Manikpur branch, Vasai(w).

It is the case of complainant that the co-accused Gopikishan Mundra, the proprietor of M/s. D.P. Mundra and Company approached him and made request for loan. He mortgaged the Flat No. 402, 4th Floor, A wing, Dattatray Tower, Devan Kuldipsingh Nagar, Evershine City, Vasai(E), Dist. Thane and obtained loan of Rs. 49 lacs from the bank. Thereafter, again he mortgaged Flat No. 203, Chintamani Co-Op. Hsg. Society, Nayagaon Village, Gokhale-Karve Road, Dombivli(W) and obtained loan of Rs. 41 lacs from Union Bank of India. It is the case of the complainant that the co-accused thereafter obtained loan from different banks by mortgaging the same premises in different banks. Hence, he filed complaint.

3. The learned counsel for the applicant/accused has submitted that the brother of the applicant/accused is the main accused in the present case along with one Amol Karpe. The applicant/accused has not played any role. He has signed only as a guarantor in the documents which were presented at Basin Kathelic Co-Op. Bank Ltd. He submitted that the applicant/accused is available since 2014 yet police had not arrested him.

4. The learned prosecutor opposed this application and relied on the affidavit filed by the investigating officer. So also the papers which are seized from the banks.

5. Perused the first information report and other documents produced before the court. It appears from the record that the brother of the applicant/accused and the co-accused Amol Karpe has played major role in the commission of the offence. The applicant/accused, as per the case of the prosecution has signed as a guarantor while obtaining loan from Basin Kathelic Co-Op. Bank Ltd. The investigating officer has collected all documents from the bank. The case is registered in July, 2014 and till today the applicant/accused is not arrested by the police though he is available. Under such circumstances, I am inclined to grant pre arrest bail to the applicant/accused on the following terms and conditions:

- (a) In the event of arrest, the applicant/accused be enlarged on bail upon furnishing P. R. Bond in the sum of Rs. 10,000/- with one or two solvent sureties in the like amount;
- (b) The applicant shall not tamper with the evidence;
- (c) The applicant shall cooperate with the Investigating

Officer and shall attend Manikpur police station, Vasai twice i.e. on 22nd and 28th March, 2016 between 4.00 pm to 6.00 pm.

6. Accordingly, anticipatory bail application stands disposed of on the above terms.

(MRS.MRIDULA BHATKAR, J.)