

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

**ANTICIPATORY BAIL APPLICATION NO.578 OF 2016**

Devprakash H. Rajput ... Applicant  
vs.  
The State of Maharashtra ... Respondent

Mr. Kuldeep Patil a/w. Mr. S.K. Sawant, for the Applicant.  
Mrs. P.P. Shinde, APP for Respondent – State.

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

DATE: **1<sup>st</sup> APRIL, 2016**

**P.C.:**

. The application is moved for pre arrest bail as the applicant/accused is facing charges for the offences punishable under Sections 420, 406, 465 and 467 read with 34 of the Indian Penal Code in C.R. No.I-76 of 2016 registered with Vashi police station, Navi Mumbai. The offence is registered at the instance of one Anupam Prasad who is working as the Assistant General Manager, Punjab National Bank, Bandra(E) on 23<sup>rd</sup> February, 2016.

2. It is the case of the prosecution that the applicant/accused along with his two sons Mithilesh and Kapil have borrowed loan for purchase of 24 cars. The total loan of Rs. 9,50,25,000/- was disbursed

by the bank. However, after payment of few EMI's, further installments were not paid by the applicants and therefore the bank officers inquired and they found that the cars were not actually purchased and the company was not found on the address given. Thus the bank was cheated for Rs. 8,52,25,000/-. Hence, the offence was registered.

3. The learned counsel for the applicant/accused is one of the Director of the alleged company and the father of co-accused Mithilesh and Kapil. He submits that the consent terms was filed between Punjab National Bank Limited and the co-accused Mithilesh and Kapil and one Murugesan Adimoolan. He relied on the consent terms filed before the learned J.M.F.C., Vashi, CBD-Belapur in C.R. NO. I-76 of 2016 dated 9<sup>th</sup> March, 2016. The co-accused are in jail. He further relied on the affidavit in support of the consent terms which was filed by the original complainant Anupam Prasad.

4. The learned prosecutor submits that the investigating officer has confirmed that such consent terms and affidavit in support of the consent terms are executed before the learned Magistrate.

5. Perused the first information report, the consent terms and the affidavit in support of consent terms. Considering the nature of offence and the submissions of the learned counsel for the applicant/accused and on perusal of the documents, 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. 20,000/- 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 Vashi police station, Navi Mumbai as and when called by the investigating officer.
- d) The applicant shall not indulge into any criminal activity .

6. Anticipatory bail application stands disposed of accordingly.

**(MRS.MRIDULA BHATKAR, J.)**