IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.631 OF 2016

Kalpana Kishor Bhosale ...Applicant

Versus

The State of Maharashtra ...Respondent

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Mr. Hrishikesh Giri i/b. Mr. P.M. Patil for the Applicant.
Mr. Arfan Sait, APP for the Respondent -State.
Mr. G.K. Theurkar, Police Hawaldar, Pimpri police station, present.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED : 30th September, 2016.

P. C. :

This is an application for anticipatory bail filed by the aforesaid Applicant apprehending her arrest in C.R. No.511 of 2015 registered with Pimpri Police station for offences punishable under sections 404, 406, 420, 464, 465 and 468 r/w. 34 of the IPC.

2. The learned counsel for the Applicant has submitted that the Applicant was a Manager (Administration) and that she was not involved in committing crime. He has submitted that the Applicant is a lady and has two minor children. He has further submitted that all the

documents are already available with the investigating agency and that presence of the Applicant is not necessary for the purpose of investigating the said crime. He has submitted that the Applicant is ready and willing to cooperate with the investigation and prayed that she be released on anticipatory bail.

3. Mr. Sait, the learned APP vehemently opposed the application on the ground that the Applicant had violated condition of the interim bail granted earlier. He has submitted that though the Applicant was directed to report to the investigating agency for a period of six days from 1.12.2015 to 6.12.2015, she did not attend the police station during this period, but the Applicant reported only on 7.12.2015 and thereafter withdrew the application and thereafter evaded the arrest.

4. The learned APP further submitted that the investigation reveals that a total amount of Rs.4 crores has been misappropriated. He has submitted that there is prima facie material to show the involvement of the Applicant in the crime. He has submitted that the that the investigation prima facie reveals that the Applicant had received a sum of Rs.13,65, 968/- from the misappropriated amount.

He has submitted that the presence of the Applicant is required for the purpose of investigating the said crime.

5. I have perused the records and considered the submissions advanced by the learned counsel for the Applicant and the learned APP for the Respondent -State.

6. The Applicant herein was the Manager of Audyogik Vikas Nagari Sahakari Patpedhi, Maryadit, Branch-Chinchwad station. The material on record prima facie reveals that the Applicant was conferred with the powers to sanction loan as well as to recover loan. The records prima facie reveal that one Prashant Desai lodged FIR with the Primpri Police station on 9.9.2015 stating that he had deposited total amount of Rs.4,19,67, 542/- with the said credit society (Pat Pedhi) in his name and in the names of his family members. The records prima facie reveal that upon maturity of the said fixed deposits the complainant approached the officials of the said credit society (Pat Pedhi) for encashing the said fixed deposits. He was not paid the said amount on one pretext or the other. Pursuant to the application filed by him under the RTI Act he received the audit report of the said Credit Society and on perusing the said report he learnt that the loan of Rs.1,

38,05,104/- was allegedly disbursed in his name and in the name of his family members on the strength of this fixed deposit receipts. Said loan was shown as unpaid. The complainant stated that he had neither applied nor availed the loan as stated in the said report. He had therefore, lodged the said FIR against the Applicant and other members of the said credit society.

7. The records prima facie reveal that the complainant and his family members had not applied for loan and had not signed any receipt or document despite which loan was disbursed to some other persons in his name and his family members on the strength of the fixed deposit receipts. The learned APP has brought to my notice the loan application, which is in the name of the complainant Prashant Desai wherein he had allegedly sought loan of Rs.4,96,000/-. He has also brought to my notice receipt dated 22.2.2010 wherein an amount of Rs.4,96,000/- was allegedly paid to Prashant Desai. The material on record prima facie shows that the said loan application was neither submitted nor signed by the complainant -Prashant Desai. The material on record also prima facie reveals that the complainant had not received any loan of Rs.4,96,000/- and that his signatures on the said loan application and on the receipt are forged.

8. In addition to the aforestated material there is also prima facie material to show that the total loan of Rs.8,69,000/- has been disbursed in the name of several persons, who had in fact, not received the loan amount. Some of these receipts are signed by the Applicant and the signatures of the recipients on it are forged. The records also prima facie reveal that the Applicant had disbursed total loan amount of Rs.14,00,000/- in her favour and in favour of her husband and other relatives, though it was not permissible as per the norms of the said credit society.

9. The records also reveal that loan of Rs.1,14,000/- was disbursed in the name of one Mr. Dhepe on hypothecation of vehicle No.MH 23 E 9978/- and the Applicant had stood as a surety for said Mr. Dhepe. Said amount has not been repaid. Nonetheless, the Applicant had herself issued a letter to RTO, Pune, stating that the loan has been recovered from Mr. Dhepe. The learned APP has brought to my notice that similar loans have been advanced to one Suryakant and despite non payment of the loan, the Applicant has shown the loan amount as repaid.

10. Having gone through the records, in my considered view there is prima facie material to show the involvement of the Applicant in committing the said crime. The amount involved is exorbitant. Several persons have been cheated. The nature of the crime warrants thorough investigation, which in my considered view justify custodial interrogation.

11. It is also to be noted that the Applicant had earlier filed an anticipatory bail application No.1821 of 2015. She was granted interim bail on 1.12.2015 and one of the conditions was to report to investigating Officer from 1.12.2015 to 6.12.2015. The Applicant had not reported before the Investigating Officer during this period but had reported only on one date i.e. 7.12.2015. Subsequently she withdrew the application and thereafter she did not join the investigation and also evaded the arrest. The aforesaid facts and more particularly the conduct of the Applicant would not justify grant of bail.

12. Under the circumstances and in view of discussion supra, the application is dismissed.

(ANUJA PRABHUDESSAI, J.)