Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 656 OF 2015

Anupam Ratnesh Thakur ... Applicant
Vs.
The State of Maharashtra ... Respondent

Mr. Rajiv Patil, Senior Advocate a/w. Mr. Randhir Ankush Kale for the applicant.
Mrs. P.P. Shinde, APP for the State.
Mr. Sandeep More, P.S.I., present.

CORAM: **MRS.MRIDULA BHATKAR, J.**
DATE: **9th March, 2016.**

P.C.:

This Application is moved by the applicant/accused under section 438 of Cr. P.C., as he is facing prosecution under sections 409, 419, 420, 465, 467, 468, 471 r/w. 120B of the Indian Penal Code. The offence is registered at the instance of Shankaran Ganesh on 3rd June, 2014.

2. It is the case of the prosecution that the applicant/accused along with co-accused and principal accused Anil Pawar have conspired and prepared a plan of cheating various NGOs for huge amounts. The complainant is a member of South Indian Education Society (SIES). He was working as a treasurer in the year 2014. At that time, principal accused Anil Pawar contacted him and introduced himself as an investment consultant and told that if all big amounts are invested as per his advice,

then the Society will be benefited of a higher rate of interest. He also expressed that he would be entitled to 1% commission. The complainant believed in the representation of principal accused. The accused demanded resolution in the letter head of the trust for the purpose of creating Fixed Deposits and investment. The Society invested an amount of Rs. 5 crores with Vijaya Bank, Lokhandwala Branch, Andheri on 6th March, 2014. The original fixed deposits did not raise any doubt as to their authenticity and genuineness. However, after two months, the Manager of Bank of India, Taloja Branch contacted the SIES office and informed that their Society has taken Overdraft facility of Rs.8.10 crores and that has been sanctioned by Bank of India as per their instructions. However, no such overdraft was taken by the Society. On enquiry, they found that the letter heads, marks, documents which were used by Society were forged. So also the fake documents, marks and seals were prepared. On the basis of these documents and marks, overdraft facility was obtained from the Bank of India. The payment of Overdraft facility were also provided to the complainant and they realized that from the overdraft account, various amounts have been transferred to different beneficiaries by RTGS and NEFT amounting to Rs.4,37,05,071/-. These are several unknown beneficiaries and hence the complaint was lodged.

3. The learned senior counsel appearing for the applicant/accused has submitted that there is no whisper about the role attributed to the applicant/accused. All allegations are made against principal accused Anil Pawar. The applicant/accused has not played any role in this transaction. The prosecution has falsely implicated him in this case.

4. While opposing this Application, learned APP relied on the facts relied by Sandeep Daulat More, Officer, Economic Offences Wing, Mumbai. Learned APP submitted that many CRs are registered against the applicant/accused and other accused of committing similar type of offences. A peculiar modus operandi is used by Anil Pawar, applicant/accused and co-accused of deceiving various NGOs and also the banks. Learned APP submitted that during the course of investigation, the police found that the applicant/accused is very much involved in preparing forged documents, marks and with the help of these bogus documents and marks, bogus overdraft accounts were opened and huge amounts were siphoned of causing loss to the bank. It is also pointed out that various amounts from the account of co-accused have been transferred to the account of applicant/accused and also his wife's account and from there again the amounts were transferred to the account of co-accused. Learned APP submitted that custody of applicant/accused is required.

5. Perused the complaint, documents, statements of the witnesses and also the affidavit of the Investigating officer. After considering the allegations and the manner in which the offence is committed, I am of the view that *prima facie* the applicant/accused is involved in this case. This is a case of forgery, cheating of the bank and also various NGOs. This is not the only one offence but there are many offences committed by the co-accused and applicant/accused. *Prima facie* there is sufficient material which really require a custodial interrogation of this applicant/accused for effective investigation. Hence, the Anticipatory Bail Application is rejected.

(MRIDULA BHATKAR, J.)