

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 1468 OF 2016

Shripad Vinayak Thombre

.....Applicant

V/s.

The State of Maharashtra and others

....Respondents

Mr. Shirish Supte senior counsel i/b Mr. Nitin Sejpal Advocate for Applicant.
Ms. Shivani S. Shah i/b Intralegal for Respondent no. 2
Ms. Veera Shinde APP for the State.
Mr. V. V. Giri, API, E.O.W., Nashik City.

CORAM : SMT. SADHANA S. JADHAV, J.

DATED : OCTOBER 13, 2016.

PC :

1) The learned senior counsel, upon instructions makes a statement that on behalf of Dinesh Nikam, applicant had paid Rs. 38 Lakhs to Bank of India. It is also submitted that applicant is willing to deposit Rs. 45 Lakhs to Punjab National Bank within one month. As far as Dena Bank is concerned, it appears that the Bank has filed an application to the Zonal Manager seeking permission to initiate prosecution against three borrowers who had purchased the flats from the present applicant and the applicant has benefited from the

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loan amount disbursed by the bank.

2) The learned APP submits that the question is not of just recovering all the amount by the banks, but the *modus operandi* of the applicant in cheating bank.

3) Irrespective of the submissions of the both sides, the learned senior counsel, upon instructions submits that applicant is also willing to deposit the amount within 15 days, however, since this Court is not inclined to grant pre-arrest bail under section 438 of the Code of Criminal Procedure, 1973 the learned senior counsel seeks liberty to withdraw the application and prays that applicant be protected till 26/10/2016 and that applicant would surrender before Judicial Magistrate First Class on or before 5.00 p.m. of 26/10/2016.

4) Liberty as prayed for is granted. The learned Magistrate shall consider the application on its own merits, without being influenced by the dismissal of the application under section 438 of the Code of Criminal Procedure, 1973. Applicant stands protected till 5.00 p.m. of 26/10/2016.

5) Application stands dismissed as withdrawn.

(SMT. SADHANA S. JADHAV, J.)