

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 2103 OF 2016

Balwant Laxman Bele

.....Applicant

V/s.

The State of Maharashtra

....Respondent

Mr. Gaurav Parkar Advocate for Applicant.

Mr. Y. M. Nakhwa APP for the State.

CORAM : SMT. SADHANA S. JADHAV, J.

DATED : 29th NOVEMBER, 2016.

PC :

1) Heard. This is an application under section 439 of Code of Criminal Procedure, 1973. Applicant herein is arrested on 05/05/2016 in crime no. I-93 of 2016 registered at Taloja Police Station. Investigation is completed and charge-sheet is filed against the present applicant for offence punishable under sections 420, 467, 468, 470, 471 r/w section 34 of the Indian Penal Code.

2) It is the case of the prosecution that Nilesh Patel lodged a report at the police station on 28/04/2016 that by profession he is builder/developer. He was developing flat no. 173/174 at Taloja. The building was named as

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'Moonlight' building. They were looking for customers for the said building and had left a word with several people including one Rajendra Singh Brar who was a real estate agent. The keys of the sample flat and the building were left with Bhavani Medical Stores. It is the case of the prosecution that applicant herein had introduced Dashrath Bidwai, the proposed customer in the said flat and had also given earnest amount of Rs. 1,00,000/- and had got executed the agreement. It is the case of the prosecution that subsequently it was revealed that accused Ambre, Dashrath Bidwai and Chavan who were customers of the said flat had forged and fabricated the documents to obtain loan from Punjab National Bank to the tune of Rs. 27,48,000/-, Rs. 25,00,000/- from Navi Mumbai Co-operative Bank Ltd., Rs. 30,00,000/- from Bank of India and Rs. 27,48,000/- from Punjab National Bank but from a different branch. According to the prosecution, the loan was obtained by the customers on the same flats from different banks. As far as the applicant is concerned, it is the case of the prosecution that he had introduced the customers to the builder/developer.

3) The learned APP submits that bank statement of Dashrath Bidwai would show that he had paid Rs. 1,00,000/- to the present applicant on

27/08/2015.

4) The learned counsel for the applicant submits that it can be of commission for introduction, however, there is no incriminating material which would *prima facie* indicate that the applicant is involved in forgery and fabrication of documents.

5) Be that as it may, all the offences registered against the present applicant are triable by the court of Magistrate. There is no specific material on record to indicate that the forged and fabricated documents were prepared by the applicant and hence, applicant deserves to be enlarged on bail. However, it is made clear that the observations made herein above are restricted to an application under section 439 of the Code of Criminal Procedure, 1973 and shall not be considered for quashing of F.I.R., discharge application or at the time of trial.

ORDER

- (i) Application is allowed.
- (ii) Applicant be enlarged on bail on furnishing P.R. bond in the sum of Rs. 50,000/- with one or more solvent local sureties in the like amount.
- (iii) Applicant shall report to Taloja Police Station on first Sunday of each

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month, till the framing of the charge.

(iv) Application stands disposed of.

(SMT. SADHANA S. JADHAV, J.)