

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1864 OF 2015

Mr. Vijay Narsing Deshmukh & Anr.	...	Applicants
Vs.		
The State of Maharashtra	...	Respondent

Mr. Ganesh Bhujbal, Adv. for the applicants.
Mr. Y.M. Nakhawa, APP for the State.
Mr. Mangesh P. Virnak, ASI, Yavat Police Station, Pune present.

CORAM : SMT ANUJA PRABHUDESSAI, J.
DATE : 1st February, 2016.

P.C. :

1. This is an application for anticipatory bail filed by the above applicants apprehending their arrest in Crime No.243 of 2015 registered at Yavat Police Station, Pune for the offence punishable under Section 420 r/w. 34 of the IPC.

2. Heard Mr. Bhujbal, the learned counsel for the applicant and Mr. Nakhawa, the learned APP for the State. I have perused the records and considered the submissions advanced by the learned counsels for the respective parties. The FIR lodged by the Manager of Pune District Central Co-Operative Bank Ltd. prima facie reveals that the applicants herein had availed loan from the said bank by mortgaging property at Gut No.253 situate Tilewadi, Pune. One Malu

Laxman Dube had approached bank and informed that the applicants had availed loan by mortgaging his property. The Manager of the bank therefore lodged a complaint against the applicants for cheating. Pursuant to the said complaint aforesaid crime came to be registered. Mr. Bhujbal the learned counsel for the applicant submits that subsequent to the said FIR the applicants have cleared the entire loan amount. He has placed on record the letter dated 30th January, 2016 issued by the Development Officer of the said bank whereby development officer of the said bank certified that the entire loan amount has been repaid. Mr. Nakhawa, the learned APP for the State has also confirmed the contents of the said letter and has submitted that the applicant has repaid the loan amount. Considering the above facts, the presence of the applicants is not required for custodial interrogation.

3. Hence the application is allowed on the following terms and conditions.

1. In the event of arrest of the applicants in Crime No.243 of 2015 registered at Yavat Police Station, Pune, the applicants shall be released on bail bond of Rs.20,000/- (Rupees Twenty Thousand Only) with one surety in the like amount to the satisfaction of

the JMFC, Daund.

2. The applicants shall report to investigating officer for 4 days from 10 am to 1 pm. from the date of the receipt of the order and further as and when called by the investigating officer for the purpose of the interrogation.

(ANUJA PRABHUDESSAI, J.)