IN THE HIGH COURT OF JUDICATURE AT BOMBAY, NAGPUR BENCH, AT NAGPUR.

CRIMINAL APPLICATION (ABA) NO.213 OF 2016

(Sau. Soni w/o Rakeshprasad Shahu ..vs.. State of Maharashtra, through PSO, PS Hudkeshwar, Nagpur)

Office Notes, Office Memoranda of Coram, appearances, Court's orders of directions and Registrar's orders	Court's or Judge's orders

CORAM : Z.A. HAQ, J.
DATED : 04-05-2016

Heard Shri O.K. Masurke, Advocate for the applicant and Shri A.D. Sonak, Additional Public Prosecutor for the non-applicant.

2. The applicant apprehends arrest in crime registered against the applicant and her husband, for offences punishable under Sections 420, 465, 467, 468 and 471 of the Indian Penal Code.

3. The accusations against the applicant and her husband are that the applicant and her husband have cheated the bank. According to the prosecution, the applicant and her husband got bogus sale-deeds registered by presenting someone else as owner of the Plot Nos.14, 15 and 142 who executed sale-deeds in favour of the applicant and her husband, and these sale-deeds are produced before the bank and loan of Rs.37,50,000/- is obtained.

4. Though it is the contention on behalf of the applicant that the sale-deeds executed in favour of the applicant and her husband are not bogus, the copies of the sale-deeds are not produced on record to show that the payment was made by cheque or demand draft to the owners of above referred plots.

5. The learned Advocate for the applicant has submitted that the applicant and her husband have repaid some amount of loan to the bank, however, because of financial difficulties, the instalments could not be paid regularly and therefore, the bank has filed complaint. It is submitted that the dispute is civil in nature and the police action is unwarranted.

Considering the nature of accusations against the applicant, in my view, the applicant cannot be granted protection by considering this application for pre-arrest bail. The application is dismissed.

The complaint is filed against the applicant and her husband by the Branch Manager of the bank. According to the non-applicant, the bank is duped of huge amount and it has to recover Rs.41,97, 850/- from the applicant and her husband. The claim of the complainant is that bogus documents are furnished by the applicant and her husband while seeking loan. The Investigating Officer shall examine whether there is any criminal conspiracy on the part of the applicant, her husband and some employees of the concerned bank.

JUDGE

pma