**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**CRIMINAL APPELLATE JURISDICTION**

**ANTICIPATORY BAIL APPLICATION NO. 115 OF 2017**

Deepak Narayan Devare …Applicant
Versus
The State of Maharashtra …Respondent

Mr.Amit A.Gharte for the applicant.
Mr.R.M.Pethe, APP for the State.

**CORAM: A.M. BADAR, J.**
**DATED: 31st OCTOBER, 2017**

**PC:-**

**1.** The applicant/accused in Crime No.I-24 of 2016 registered with the police Station, Dadar at the instance of Pritam Vijay Gholap for offences punishable under Sections 420, 465, 467, 468, 471 r/w 34 of the Indian Penal Code,by this application is seeking pre-arrest bail.

**2.** Heard the learned advocate appearing for the applicant/accused. He argued that applicant Deepak Devare is Branch Manager of C.K.P. Co-op. Bank and he has no role to play in the crime in question. False First Information

Report has been lodged by informant Pritam Gholap in order to save himself from liability to pay bank dues of morerthan Rs.5 crorers.

**3.** The learned APP drew my attention to documents regarding disbursement of loan and submits that signatures of the present applicant i.e of the Branch Manager, so also signature of the first informant are appearing on those documents and therefore, complicity of the applicant in the crime in question is thereby established warranting his custodial interrogation.

**4.** I have carefully considered the rival submissions and also perused the documents made available. First Information Report lodged by Pritam Gholap makes it clear that he was partner in Shree Swami Samarth Buildcon. The First Information Report also shows that subsequent to the loan amount turning as non performing assets, first informant Pritam Gholap retired from the partnership in Shree Swami

Samarth Buildcon and informed the CKP bank through his advocate about his retirement. The bank has informed the first informant that because of dues of the bank his retirement will not be considered. It is seen that subsequently the bank had obtained recovery certificate against the firm.

**5.** The averments in the First Information Report are to the effect that Vilas Gaokar the another partner of Shree Swami Samarth Buildcon had obtained loan of Rs.4 crores in the name of partnership firm without knowledge of first informant Pritam Gholap and this has been done in connivance with officers of the Bank. Record of the investigation prima facie do not show that the present applicant was a part of alleged conspiracy. On the contrary it is seen that the loan amount was sanctioned by the head office of the Bank and sanction order was issued by the Regional Manager. The applicant, being a Branch Manager was involved only in disbursement of the loan. Those documents shows that the applicant has duly signed them in the capacity of the Branch Manager and those documents also bears signature of partners of the said firm. Even accounts opening form of the bank shows photographs as well as signature of first informant Pritam Gholap.

**6.** In this view of the matter, the custodial interrogation of the present applicant is not warranted and as such the order.

**ORDER**

i) The application is allowed.

ii) In the event of his arrest in Crime No.I-24 of 2016 registered with the police Station, Dadar for offences punishable under Sections 420, 465, 467, 468, 471 r/w 34 of the Indian Penal Code the applicant/accused be released on bail on executing P.R Bond of Rs.15,000/- on furnishing surety in the like amount.

iii) The applicant / accused shall not directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him from disclosing such facts to the court or to the Police Officer.

iv) The applicant to co-operate the Investigating Officer in investigation of the crime in question.

v) The application is disposed of accordingly.

**(A.M. BADAR, J )**