

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 333 OF 2017

Ajay Pawankumar Dhawan

.....Applicant

V/s.

The State of Maharashtra

....Respondent

Mr. Omprakash Pandey Advocate for the Applicant.

Ms. P. P. Shinde APP for the State.

Mr. Ashok P. Landge, Vanrai Police Station.

CORAM : SMT. SADHANA S. JADHAV, J.

DATED : 6th MARCH, 2017.

PC :

1) Heard. This is an application under section 438 of Code of Criminal Procedure, 1973. Applicant herein is apprehending his arrest in crime no. 178 of 2016 registered at Vanrai police station for offence punishable under sections 406, 420 r/w 34 of the Indian Penal Code.

2) It is the case of the prosecution that on 05/07/2016, Abhay Joshi working as manager with State Bank of India, lodged a report at the police station that in the year 2010, present applicant and Pawankumar Dhawan had

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filed an application soliciting loan for purchasing flat nos. 101, 102, 103 situated at Matruchaya, Naupada. After verification of the documents the agreement of sale between the applicants and Mangalam Constructions was registered. The loan was sanctioned and disbursed. It is alleged that applicants had paid E.M.I. for two years and thereafter they had stopped paying E.M.I. Upon suspicion, bank officers had been to visit the said spot and there, they had seen that it was an office of Bagad Jainism Charitable Trust. Upon inquiry, it was learnt that on 13/02/2012, the said Trust had purchased property from Mangalam Constructions and the said flats were in the possession of the said Trust.

3) Upon further inquiry, it was revealed that the applicants had once again solicited loan from Corporation Bank in respect of the same flats without disclosing that the properties are mortgaged with State Bank of India. On 28/05/2011, applicants and Ganesh Wagh had obtained loan from Corporation Bank by fabricating false, sham and bogus documents.

4) Taking into consideration the fact that applicants have cheated two

banks by committing an act of forgery and fabrication, applicant does not deserve to be enlarged on bail.

5) Application being sans merits, stands rejected.

(SMT. SADHANA S. JADHAV, J.)