

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 848 OF 2017**

Mangesh Bhiva Thorave

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. A. P. Mundargi, Sr. Counsel a/w Mr. Veerdhaval Kakade & Mr. Sagar Bhosale for the Applicant

Mr. Rajan Salvi, A.P.P for the Respondent-State

API Mr. Mahesh B. Sagade from Wakad Police Station, Pune, is present

CORAM : REVATI MOHITE DERE, J.
WEDNESDAY, 28th JUNE, 2017

P.C. :

1. Heard learned Senior Counsel for the applicant and the learned A.P.P for the State.
2. By this application, the applicant seeks his enlargement on bail in connection with C.R. No. 534 of 2016 registered with the Wakad Police Station, Pune, for the alleged offences punishable under Sections 420, 406, 465, 468, 471 r/w 34 of the Indian Penal Code.

3. Learned Senior Counsel for the applicant submitted that there are two cases which were registered as against the applicant; one by the State Bank of Hyderabad and the present complaint is lodged by the Bank of Maharashtra. He submitted that the applicant has been enlarged on bail in connection with the complaint lodged by the State Bank of Hyderabad i.e. in C.R. No. 580 of 2015 of Yerwada Police Station. He submits that in the present case, the applicant has been in custody since 20th November, 2016 and that investigation is complete and charge-sheet is filed. He submits that the documents are in the custody of the police.

4. Learned A.P.P opposed the application.

5. Perused the papers. According to the prosecution, the applicant had purchased a Row-House constructed by one Deepak Punjabi. Pursuant thereto, the parties i.e. Deepak Punjabi and the applicant entered into an Agreement to Sell. The applicant applied for a loan with the Bank of Maharashtra and secured a loan of Rs. 1,63,00,000/- from the said Bank. The said amount of Rs. 1,63,00,000/- was transferred by the Bank of Maharashtra via RTGS to the account of Deepak Punjabi. It appears that

Deepak Punjabi learnt from the State Bank of Hyderabad that the applicant had taken a loan from the said bank for an amount of Rs. 1,61,00,000/-; that the said amount was deposited in the name of Deepak Punjabi in the PDC Bank. It appears that the said account opened in the name of Deepak Punjabi in PDC Bank, is a fake account. With regard to the said transaction, the State Bank of Hyderabad lodged a complaint with the Yerwada Police Station which was registered vide C.R. No. 580 of 2015 as against the applicant alleging offences punishable under Sections 406, 420, 465, 467, 468, 471 r/w 34 of the Indian Penal Code. It is not in dispute that the applicant has been enlarged on bail in the said C.R.

6. As far as the present C.R is concerned, the sale transaction of the Row-House was for Rs. 2 crores and odd. Out of the said amount, an amount of Rs. 18 lakhs was paid by the applicant to Deepak Punjabi, vide cheques and that Deepak Punjabi had issued receipts for the said amount. An amount of Rs. 1,63,00,000/- taken as loan by the applicant from Bank of Maharashtra was also credited into the account of Deepak Punjabi by the Bank via RTGS. It appears that in the present case, the applicant had forged receipts to show an additional payment of Rs. 37 lakhs and pursuant

thereto, a fabricated and forged Sale Deed was also submitted to the Bank of Maharashtra to show this additional payment. No doubt, *prima facie*, there is material against the applicant, however, the investigation is complete and charge-sheet is filed. All the documents have been seized in the said case.

7. Considering the aforesaid, the applicant deserves to be enlarged on bail on the following terms and conditions :

ORDER

- (i) The applicant be enlarged on bail, on executing PR Bond in the sum of Rs. 50,000/- with one or two sureties in the like amount;
- (ii) The applicant shall surrender his passport, if any, to the Investigating Officer of the concerned Police Station, within one week of his release;
- (iii) The applicant shall not tamper the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;
- (iv) The applicant shall inform his latest place of residence and mobile contact number and/or change of residence or mobile details,

if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

(v) The applicant to cooperate with the conduct of the trial;

(vi) If there is a breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek cancellation of the applicant's bail.

8. The application is allowed in the aforesaid terms and is accordingly disposed of.

9. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

10. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.