

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.1084 OF 2017

Santosh Vasudev Munde	..	Applicant
Versus		
The State of Maharashtra	..	Respondent

Mr. Yuvaraj Gharat h/f. Vijay Killedar for applicant
Mr. R.M.Pethe, APP for State.

CORAM	:	P.D.NAIK, J.
DATE	:	28 th July 2017.

P.C.

1] The applicant is seeking bail in connection with C.R.No.I-40 of 2016 registered with Vishnu Nagar Police Station, Dombivali for offences under section 420, 465, 467, 468, 471 read with section 34 of Indian Penal Code. The prosecution case is that the co-accused Amit Kamble – proprietor of Kapil Motors Dombivali in collusion with the purchasers of vehicles obtained car loans from the Thane District Cooperative Bank by preparing loan documents. Some of the co-accused stood guarantors to the said transactions. The applicant accused was allegedly the borrower of the loan and purchaser of vehicle. It is also alleged that neither the car was purchased nor the loan was refunded to the concerned bank and hence an F.I.R. was lodged. The accused were arrested by the

police and now the charge sheet is filed.

2] The applicant preferred an application for bail before the sessions court which came to be rejected on 24th April 2017. On a perusal of the said order it appears that the complainant bank's Officer one Sanjay Patil had appeared before the sessions court at the time of hearing of this bail application preferred by the applicant and had filed Purshis on record stating that the applicant accused has made repayment of the alleged loan amount. The court deprecated this gesture of the complainant – bank. Considering the nature of allegations, the application preferred by the applicant was rejected. The co-accused Prakash Mali had also preferred an application for bail before the sessions court. The said accused was granted bail by the sessions court by order dated 23rd August 2016. While granting bail, the sessions court had observed that while the arguments of said applicant were being heard, the Counsel on behalf of intervenor bank submitted that the said accused had deposited the loan amount and no amount is pending. Therefore, the said co-accused was granted bail.

3] Learned Advocate for the applicant submitted that as reflected in the order rejecting bail the amount concerning the applicant has been deposited with the bank. He also relied upon an order granting bail passed by the Sessions Court in respect of co-accused Amil Tulshiram Kale. On perusal of the order granting bail to Amol Kale dated 5th May 2017, it is apparent that one of the ground for grant of bail was that the informant bank had filed purshis stating that the bank had received Rs.17 lakhs in cash and cheque of Rs.3 lakhs and that the bank has no objection for release of the applicant on bail. Learned APP submitted that the applicant had issued three Post Dated Cheques in favour of bank towards clearance of his loan. The said cheques will be deposited in due course and they are yet to be honoured.

4] Perused the documents and orders on record. Considering the fact that the applicant is in custody from the date of arrest. The bank officer had filed purshis that repayment is made by applicant . The co-accused who had deposited the amount had been granted bail by the sessions court, I am inclined to grant bail to the applicant.

ORDER

- (I) Bail Application No.1084 of 2017 is allowed;
- (II) Applicant is directed to be released on bail in connection with C.R.No.I-40 of 2016 registered with Vishnu Nagar Police Station on furnishing P.R.bond in the sum of Rs.15,000/- with a surety in like amount;
- (III) The applicant shall not directly or indirectly contact the informant or any other witnesses in any manner whatsoever till trial of the case is over;
- (IV) The applicant shall not tamper with prosecution witness and evidence and any activity in breach of this will entail cancellation of bail;
- (V) Applicant shall report to concerned police station on first Saturday of every month between 11 a.m. and 1.00 p.m.
- (VI) Application is disposed of.

(P.D.NAIK, J.)