<u>IN THE HIGH COURT OF JUDICATURE AT BOMBAY</u>
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 859 OF 2017

Abhijit Atul Marathe ….. Applicant
VERSUS
The State of Maharashtra ….. Respondent

Mr. Viresh V. Purwant for the Applicant.

Mr.S.V.Gavand, A.P.P. for the State.

CORAM : <u>T.V.NALAWADE, J.</u>
DATE : 9th AUGUST, 2017

<u>P.C</u>.

This application is filed for relief of anticipatory bail in C.R.No.144 of 2017 registered in Barshi City Police Station, Solapur. Both the sides are heard.

The crime is registered on the basis of the report given by Ms.Sunanda Hanumant Thorat. Ms.Sonal Choure is known to her. According to her Sonal informed to her that under scheme of State Government impleaded through the State Bank of India, one can get loan of Rs.3,00,000/-. With Sonal, the first informant went to the branch of this bank of S.T.Stand, Barshi. There they made an enquiry with an employee sitting at one counter and he asked her to wait outside of the bank. He came out and disclosed his name as Abhijeet Marathe, the present applicant. He informed that under this scheme, a loan of Rs.3,00,000/- is available and the Corporation of the Government gives 50% subsidy. He informed that for getting sanctioned this loan, it was necessary to pay illegal gratification to the superior officers. He advised the first informant to bring on some record regarding her immoveable property and identify. The first informant accordingly handed over the record and along with the record, she handed over Rs.10,000/- to the present applicant. Under one or the other pretext, the present applicant collected an amount of Rs.46,000/- from the first informant.

2. As there was no sanction of loan, the first informant started insisting to see that the loan was sanctioned. Upon that in the month of September 2015, after about 9 months of accepting the amount, the present applicant said that the loan was sanctioned but the amount was credited in account. He showed the entry of the amount of Rs.11,40,000/- appearing in account. Along with the first informant, there were two other ladies who had also given money. He then made entries in the bank pass books of these three ladies and the entry of Rs.11,40,000/- was made in the account book of the first informant. He requested them not to withdraw the amount immediately and wait for sometime. After few days, when the first informant went to the bank along with the pass book, the officer of the bank said that the entry was false and it was not made by the bank. Upon that the first informant demanded back the money given to the applicant and other two ladies also asked the present applicant to return the money. He did not return the money and then the report came to be given. The statements of the other ladies like

Ms.Padmini Bharat Kadve, Ms.Sangeeta Muthal and also Ms.Sonal Choure are recorded by the police. These statements are consistent with the allegations made by the first informant.

3. Learned counsel for the applicant submitted that there is possibility that Ms.Sonal Choure deceived these ladies. He submitted that complaints were filed under section 138 of the Negotiable Instruments Act against Ms.Sonal Choure by many persons and that circumstance indicates that Ms.Sonal Choure deceived these persons.

4. The aforesaid submissions made for the applicant cannot be accepted. At present there is record to show that it is the applicant who made false representation, it is the applicant who accepted the money from these ladies and it is the applicant who made false entries in the account book of the bank of the first informant. Thorough investigation of such matter is necessary. More cases can be revealed only after custodial interrogation. Many persons do not come out openly as they want to get the benefit by paying bribe. In view of these illegal practices, in view of these circumstances, this court holds that the anticipatory bail cannot be granted. Hence rejected. Interim relief stands vacated.

(T.V.NALAWADE, J.)