

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.1488 OF 2017

Ramesh Dattatraya Desai .. Applicant
Versus
State of Maharashtra .. Respondent

Ms. Pallavi Sankpal with Ms. Aakansha Raut for applicant
Ms. A.A.Takalkar, APP for State
Mr. U.A.Gitte, API, Taloja police station Navi Mumbai present.

CORAM : T.V.NALAWADE, J.

DATE : 7th August 2017.

P.C.

1] The application is for bail. Heard both sides. Papers of investigation are made available for perusal of this Court.

2] The crime is registered for offence punishable under sections 420, 468, 470 read with 34 of Indian Penal Code against four persons including the present applicant. There is allegation against the main accused that they had booked two flats with N.B.Associates and they falsely represented at least to three banks that they were taking loan for purchase of two flats. They created false record like consent letter of builder and made applications for

loan. On the basis of the false record, the three banks sanctioned loan. There are statements of bank officers showing that necessary procedure was followed by the banks like taking search report, taking valuation report etc. However, it can be said that there was something fishy in the procedure which was adopted by the bank also, otherwise, it was not possible that all the three banks gave loans on the same flats and they were using the record like search report and valuation report. There is peculiar circumstance that cheques were handed over to the accused by the banks, who encashed them by creating false account in the name of builder in other banks.

3] The allegation against the present applicant is that he helped the main accused by in creating false record for the purpose. This court has carefully gone through the so called statements given by the builder section 27 of the Evidence Act. It appears that some other papers including a rubber stamp of a Government Office were recovered from the office of the present applicant but the panchanama does not show that any article pertaining to the present matter was recovered from the office of the present

applicant. The prosecution wants to prove that for consideration of Rs.40,000/- the applicant created some false record.

4] The applicant is behind bars since last more than one year. Learned Counsel for the applicant submits that this is the first application filed for bail in this Court. In view of these circumstances and as it is not clear that how much time the trial court will take for disposal of this case, there is no point in keeping the applicant behind bars. Hence, the following order:-

- (i) The application is allowed;
- (ii) The applicant is ordered to be released on bail on his furnishing P.R.bond in the sum of Rs.50,000/- with one or more solvent sureties in the like amount;
- (iii) The applicant shall not tamper with the witnesses;
- (iv) The applicant shall not indulge in the similar offence after his release on bail.

(T.V.NALAWADE, J.)