

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPLICATION NO. 1293 OF 2017**

|                      |                |
|----------------------|----------------|
| Sunil Sahebrao Ubale | ... Applicant  |
| Versus               |                |
| State of Maharashtra | ... Respondent |

**WITH  
CRIMINAL APPLICATION NO. 764 OF 2017  
(FOR INTERVENTION)**

|                       |               |
|-----------------------|---------------|
| Rangnath Genba Mehtre | ... Applicant |
| IN THE MATTER BETWEEN |               |

|                          |                |
|--------------------------|----------------|
| Sunil Sahebrao Ubale     | ... Applicant  |
| Versus                   |                |
| The State of Maharashtra | ... Respondent |

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Mr. Uday P. Warunjkar for the Applicant.  
Mr. Shailesh D. Chavan for Intervenor.  
Mr. S.R. Agarkar, APP for Respondent-State.

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**CORAM : T. V. NALAWADE, J.**

**DATE : 16th AUGUST, 2017**

**P. C. :**

1. Criminal Application No. 1293 of 2017 is filed for anticipatory bail in C.R. No. 202 of 2017 registered with Baramati City Police Station for offences punishable under sections 420, 406 read with 34 of the Indian Penal Code.

2. Both sides are heard.
3. The papers of investigation were made available for perusal of this Court.
4. The crime is registered on the basis of report given by one Rangnath Gyanba Mehetre, who is an agriculturist, having land admeasuring 4 acres 10 gunthas. He wanted to improve the yield by improving irrigation system. He approached one Tulshiram Shinde, who is owner of a concern and who takes work of such nature on contract basis. Said Shinde and main accused represented, that they knew the officers of Pubjab National Bank who can get the loan sanctioned from Punjab National Bank for such scheme. He took the complainant first to one officer Sunil Ubale- the present applicant.
4. Allegations are made against the present applicant that as per his advice, the record was collected and the quotation of Tulshiram Shinde was used. Accused Shinde was also there and he also informed that he was in a position to see that the loan is sanctioned by Punjab National Bank as he knows the officers

working there. Due to this representation made by Tulshiram Shinde, his cousin and the present applicant, necessary record was supplied by the complainant. The loan amount was to be paid to Shinde for execution of the work. The loan of Rs. 29.70 lakhs was sanctioned.

5. It is the case of the complainant that no work was done in his field and the amount of Rs. 26.57 lakh was given by the bank to Mr. Tulshiram Shinde. It is contended that when the loan was sanctioned in November-2015, even in the year 2017, no work was started and when he made enquiry, he was told that Shinde may not execute the work.

6. Due to instructions given by the complainant, remaining amount of Rs. 3 lakh was not disbursed in favour of Mr. Shinde, but he lost the amount of Rs. 26.57 lakh and it is his allegation that the amount was released in favour of Tulshiram Shinde as the bank officers had joined with Tulshiram Shinde.

7. The submission made was that by using the said *modus operandi*, loan was sanctioned by the bank to 8 farmers and the amount of Rs. 1.5 crore was given to aforesaid Mr. Shinde.

Mr.Shinde did not execute any work and all these farmers have made complaints to the bank.

8. Learned Counsel for the applicant submits that bank employees are involved in making proposal for the loan. He submits that he only prepared the proposal, but the amount was disbursed during tenure of his successor.

9. Learned APP submits that out of 8 transactions, in 2 transactions the amount was disbursed during tenure of the present applicant. He submits that police are investigating all the 8 cases in the present crime and custodial interrogation of the present applicant is necessary.

10. As per the procedure, the entire amount of loan is not to be disbursed and the amount is to be disbursed in stages after considering the progress of the scheme. It can be said that the bank officers did not verify the things and without verification the amount was given to Mr.Shinde. This must have been done for a consideration and that can be ascertained only through custodial interrogation. Thus, the farmers are deceived by using such modus operandi.

11. This Court holds that discretion cannot be used in favour of the present applicant. In the result, the application stands rejected.

12. In view of above, Criminal Application No. 764 of 2017 does not survive and the same is disposed of.

**(T. V. NALAWADE, J.)**