IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1796 OF 2017

Dhananjay M. Gaikwad ...Applicant.

vs.

The State of Maharashtra ...Respondent.

Mr. K.S.Patil i/by P.S. Hagare for the Applicant.
Mr. S.H. Yadav, APP. for the State.

CORAM : A.S.GADKARI, J.
DATE : 10th October, 2017

P.C.

1. This is an application under Section 438 of the Code of Criminal Procedure for pre-arrest bail in CR NO.339/2017 registered with Vadgaon Nimbalkar Police Station, Taluka Baramati, District Pune under Sections 465, 468, 471, 472, 409, 420, 477A and 120B of the Indian Penal Code.

2. Heard the learned counsel for the applicant and the learned APP for the State. Perused the record of investigation.

3. The applicant was working as Branch Manager in Pune District Central Co-op. Bank Someshwarnagar Branch, Taluka Baramati. The first information report is lodged by Shri. Vitthal Wagh, Recovery Officer attached to Zonal Office, Baramati Division, Pune District Central Co-op. Bank, Pune (hereinafter referred to as "PDCC Bank"). It is stated that various agriculturists are members of their respective Multipurpose Co-op. Societies who in are turn the members of PDCC Bank. That, there

are schemes for providing agriculture loan and medium term loan to the agriculturists. That, an agriculturist who is in need of loan initially makes an application with his Multipurpose Co-op. Society, which proposal is subsequently forwarded to the Branch of PDCC Bank. The said proposal has to be minutely scrutinized by the Development Officer and it was obligatory on the part of the Development Officer to visit the site of the concerned agriculturist to verify the bonafide of the 7/12 extract or other revenue record provided by the said agriculturist. It is further stated that after Development Officer prepares the proposal it was obligatory as per the procedural rules for the applicant to scrutinize the proposal minutely and to satisfy about the genuineness and bonafide of the proposal and if required visit the agriculture field or site mentioned in the application supplied by the concerned agriculturist and through a proper channel forward the said proposal to the Head Office of the bank. After Head Office of the bank sanctions the loan proposal it was to be distributed through the Manager or the Development Officer of the concerned bank to the agriculturist. That it came to the notice of the PDCC Bank that eight proposals for loan submitted by the Karanje Multi Purpose Co-op. Society were submitted through its Secretary Mr. Baravkar through the Development Officer of the Bank Shri. Dattatraya Holkar and the present applicant being the Branch Manager in connivance with each other, were found to be bogus proposals submitted on the basis of forged and fabricated revenue record. The PDCC Bank appointed one expert in the field to conduct enquiry into the matter and it is revealed that in Someshwarnagar Branch of the said bank eight proposals were forwarded by the applicant in connivance with other accused persons on the basis of forged and fabricated documents and loan amount of Rs.80,95,000/- has been disbursed in favour of eight accused persons. It is categorically stated in the FIR that 7/12 extracts of the respective agriculturists are forged and the area of land holding was enhanced to get the higher slab of loan. It is further stated that various documents annexed to the loan proposals were forged and fabricated by the accused persons. In the premise, the first information report is lodged.

4. Mr. Patil, learned counsel appearing for the applicant submitted that as a matter of fact the applicant is main complainant in the present crime and on his complaint dated 14.8.2017 PDCC Bank has conducted enquiry and found that the Development Officer namely Dattatraya Holkar has submitted proposal on the basis of forged and fabricated documents,. He further submitted that as per the rules adopted by the PDCC Bank the applicant is only the scrutinizing and forwarding authority and it is the responsibility of the Development Officer to scrutinize the proposal and submit it to the Branch. He further submitted that, even form of recommendation letter which is annexed at Page 56 to the present application it is not required by the applicant to scrutinize the said proposal before forwarding it to the PDCC Bank. He further submitted that investigation in the present crime is pertaining to the

documents which have already been seized by the police and for recovery of the said documents custodial interrogation of the applicant is not necessary. He lastly submitted that as a matter of fact eight agriculturists in whose favour loans have been sanctioned by the PDCC Bank have already redeposited the said amount with the bank and therefore, bank has not suffered any wrongful loss in the present crime. He therefore,prayed that the applicant may be granted pre-arrest bail.

5. The record of investigation clearly indicates that it is the applicant to whom the responsibility of scrutiny/re-scrutiny of the documents has been bestowed by the PDCC Bank and therefore, the applicant cannot shift his responsibility on the Development Officer. It is the applicant who endorsed the recommendation of proposal and forwarded it to the head office of PDCC Bank. The first informant has categorically stated in his report that after receipt of the proposal from the Development Officer it was necessary for the applicant, who was obliged to rescrutinize the proposal and verify the facts and if necessary to visit the site of the agriculture field before forwarding the proposal to the Head Office of PDCC Bank. It is the categorical allegation against the applicant that he in connivance with the Development Officer and other accused persons forwarded the loan proposals based on fabricated documents of the agriculturists to the Head Office of the PDCC Bank. That the said loan proposals are based on forged and fabricated record thereby increasing the land holdings of the concerned agriculturalist to

obtains the higher slab of loan. It prima facie appears that the applicant in connivance with the Secretary of the said Karanja Co-op. Society Shri. Shankar Baravkar and Development Officer Shri. Dattatraya Holkar has submitted bogus loan proposals to the PDCC Bank and when the applicant senced danger that he will be exposed being member of the said racket, it appears that with a view to camouflage his misdeeds submitted the alleged complaint dated 14.8.2017 to the Executive Director of PDCC Bank. It appears that the applicant wants to shift his burden of criminal liability on the other accused persons and is therefore, raising such a specious plea in his defence.

6. After taking into consideration the serious allegations against the applicant and the gravity of offence, it is necessary for the police to unearth the entire truth behind the crime and for the same custodial interrogation of the applicant is necessary.

Application is accordingly rejected.

(A.S. GADKARI, J.)