Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION No. 2035 OF 2016

1. Ladlemashak Lalahamed Kamatikar
2. Mohammad Kasim Adamsab Shaikh
3. Shripad Ashok Gurram ... Applicants

Vs.

The State of Maharashtra ... Respondent

Mr. Priyal G. Sarda, Advocate for the Applicants.
Mr. Sooraj S. Hulke, APP for Respondent – State

CORAM: **MRS.MRIDULA BHATKAR, J.**
DATE: **13th February, 2017.**

P.C.:

In this Anticipatory Bail Application, applicant nos. 1 and 2 are already arrested, so this Application is considered only for applicant/accused Shripad Ashok Gurram.

2. This Application is moved by the applicant/accused Shripad Ashok Gurram under section 438 of Cr. P.C. The applicant/accused is apprehending arrest in C.R. No. 383 of 2017 registered with Jodbhavi Peth Police Station, Solapur for the offences punishable under sections 420, 465, 466, 467, 468, 471 r/w 34 of Indian Penal Code.

3. One Rakesh Ranjan Sharma gave information to the police. He was working as a Senior Registrar of Punjab National Bank, D.A.V. College

Branch, Solapur. At that time, he came across the fraud committed by earlier Registrar Vemuri Ramesh Kumar. It is the case of prosecution that during the period from 26/05/2015 to 20/07/2016 when Mr. Vemuri Ramesh Kumar was the Registrar, he disbursed loan to 160 persons for purchasing vehicle. However, these debtors did not repay the installments in time and therefore on verification it revealed that the documents in respect of hypothecated vehicles were forged. Most of the debtors have used the forged documents. They got bogus documents prepared about the purchase of vehicle from accused Imtiyaz Arif Sayyed Faiyyaz, who was the subdealer of Solapur Wheels and National Motors and one Niles Nivrutti Jimbal, so also one Ahmed Mustafa Husein Sagari of Unique Motors. The documents of purchase of the vehicle, RTO registration certificate, insurance policy of these documents were forged for nearly 72 persons. The present applicant/accused is the beneficiary of the loan. The applicant/accused Shripad Gurram obtained loan of Rs.7,50,000/- from the bank to purchase Swift Desire car. Thereafter, the offence was registered against the applicant/accused and other accused.

4. The learned counsel for the applicant/accused has submitted that the offence of preparation of forged documents was committed by three principal accused. The applicant/accused has not played any role in making forged documents. Whatever alleged forged documents were

submitted, they were by the sub-dealer co-accused Ahmed Sagari. He submitted that the applicant/accused has repaid the amount of Rs. 80,000/- approximately and now Rs.6,80,000/- is to be paid and applicant/accused is ready to pay the amount within a week. He submitted that the applicant/accused is innocent. The accused who prepared the documents is arrested by the police. Therefore, their custodial interrogation is not required.

4. The relevant papers are produced by the prosecutors which show that the applicant/accused has executed the documents for obtaining loan against the vehicles. This Court has already rejected bail of one Jafar Mukhtar Shaikh who has played a similar role.

5. Perused the FIR, the documents presented by the applicants/accused and the prosecution. This fraud is upto Rs.6,37,55,000/- by committing forgery of RTO certificate, insurance policy and documents about purchase of vehicle. Assuming that there is no such evidence and actual preparation of the document by the applicant/accused, however, he has used the forged documents and obtained loan of Rs.7,50,000/- from the bank by cheating bank without purchasing the vehicle. The loan was not repaid fully. Only amount of Rs.80,000/- is paid. A false representation was made of obtaining loan for

a vehicle. The applicant/accused is also the beneficiary and party to the fraud. Considering the nature of the offence and as the applicant/accused is ready to repay the amount within one or two weeks, he is directed to surrender before the Magistrate and the learned Magistrate to decide the Application for Anticipatory bail on merit.

6. Anticipatory Bail Application is disposed of.

(MRIDULA BHATKAR, J.)