IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.2082 OF 2016

Shabbir Lalsaab Naikwadi .... Applicant

versus

State of Maharashtra ... Respondent

ANTICIPATORY BAIL APPLICATION NO.2083 OF 2016

Sajid Abdul Rauf Shaikh .... Applicant

versus

State of Maharashtra ... Respondent

Mr.Jaydeep D. Mane, Advocate for the Applicant.

Mr.Rajan Salvi, APP for the State/Respondent in ABA No.2082/16.

Mr.Prashant Jadhav, APP for State/Respondent in ABA No.2083/16.

API – Mr.Thete Nitin Madhukar, (EOW, Solapur City).

CORAM : MRS.MRIDULA BHATKAR, J.
DATE : 10th FEBRUARY, 2017.

P.C. :

1. These two applications are arising out of one CR and are of similar type of offence. Hence these two applications are decided by one and common order.

2. These applications are moved for pre-arrest bail by the applicants/accused. The applicants are prosecuted for the offences punishable under section 420, 465, 466, 467, 468, 471 r/w 34 of IPC in C.R.No.383/16 of Jodbhavi Peth Police Station, Solapur.

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 a vehicle. However, these debtors did not repay the installments in time and therefore on verification it revealed that the documents in respect of hypothicated 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 sub-dealer of

Solapur Wheels and National Motors and one Nilesh 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 applicants/accused were the beneficiaries of the loan. The applicant/accused Shabbir Lalsaab Naikwadi obtained loan of Rs.14,00,000/- to purchase Mahindra XUV car and the applicant/accused Sajid Abdul Rauf Shaikh obtained loan of Rs.7,40,000/- from the bank to purchase Swift Desire Car. Thereafter offence was registered against the applicants/accused and other accused.

4. The learned counsel for the applicants/accused has submitted that the offence of preparation of forged documents was committed by three principal accused. The applicants/accused have not played any role in making forged documents. Whatever amount they have received was deposited in the account of co-accused Sagari. He submitted that the applicant/accused Shabbir has repaid the amount of

Rs.1,13,215/- and now Rs.11,52,000/- is to be paid and applicant/accused Sajid has repaid the amount of Rs.2,87,683/- and now Rs.3,61,000/- is due. He submitted that the applicants/accused are innocent. The accused who prepared the documents is arrested by the police. Therefore, their custodial interrogation is not required.

5. The relevant papers are produced by the prosecutors which show that the applicants/accused have 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.

6. 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 applicants/accused, however, they have used the forged documents and obtained loan of Rs.14,00,000/-

and Rs.7,40,000/- from the bank by cheating bank without purchasing the vehicle. The loan was not repaid fully. Only amount of Rs.1,13,215/- and Rs.2,87,683/- is paid. A false representation was made of obtaining loan for a vehicle. The applicants/accused are also the beneficiaries and party to the fraud. Considering the nature of the offence, I am not inclined to grant anticipatory bail. Hence application is rejected.

(MRIDULA BHATKAR, J.)