IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.2131 OF 2016

Jafar Mukhtar Shaikh .... Applicant

versus

State of Maharashtra ... Respondent

Mr.Ujwal R. Agandsurve, Advocate for the Applicant.

Mr.Vinod Chate, APP for the State/Respondent.

PC Mr.Krishna D. Jadhav, Jodbhavi Peth Police Station, Solapur.

CORAM : MRS.MRIDULA BHATKAR, J.
DATE : 11th JANUARY, 2017.

P.C. :

1. This application is moved for pre-arrest bail by the applicant/accused. The applicant is 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.

2. 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 applicant/accused Jafar Mukhtar Shaikh was one of the beneficiary of the loan. He obtained loan of Rs.9,50,000/- from the bank. Thereafter offence was registered against the applicant/accused and other accused.

3. 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 amount he has received was deposited in the account of co-

accused Sagari. He submitted that the applicant/accused has repaid the amount of Rs.47,839/-. He submitted that the applicant/accused is innocent. The accused who prepared the documents is arrested by the police. Therefore, his custodial interrogation is not required.

4. Perused the FIR, the documents presented by the applicant/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.9,50,000/- from the bank by cheating bank without purchasing the vehicle. The loan was not repaid fully. Only amount of Rs.47,839/- is paid. A false representation was made of obtaining loan for a vehicle. The applicant/accused is also a beneficiary 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.)