

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

ANTICIPATORY BAIL APPLICATION NO.2217 OF 2016

Vishwasrao Dattatraya Gajbhar

.... Applicant

versus

State of Maharashtra

... Respondent

Mr. Shrishail Sakhare, Advocate for the Applicant.

Mrs. N.S. Jain, APP for the State/Respondent.

API – Mr. J.S. Salunkhe (Fouzdar Chavdi 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 of 420, 467, 468, 471 r/w 34 of IPC in C.R.No.680/16 of Fouzdar Chavdi Police Station, Solapur. The offence is registered at the instance of Shreeraj Shivling Hiremath.

2. It is the case of prosecution that applicant/accused has obtained loan of Rs.4,50,000/- by submitting the forged salary slip as well as forged bank statement of State Bank of India, Tuljapur. Thereafter an amount was paid upto Rs.76,429/- and remaining amount of Rs.4,07,905/- is due.

3. The learned counsel for the applicant/accused submitted that it is a false case against the applicant/accused. The applicant was actually working in the school Kai. Kashibai Shankarrao Inde High School as a teacher. He has submitted true PAN card and Aadhar card. It is a civil dispute. The bank has remedy of filing money recovery suit against the applicant/accused. Instead bank has preferred to file a criminal case against the applicant/accused. He submitted that the applicant/accused is innocent and has not prepared any bogus documents.

4. The learned prosecutor opposed the application and relied on the complaint and also the statements of other witnesses.

5. I have perused the FIR, so also statement of one Anup recorded on 15/12/2016, Assistant Manager of State Bank of India. After going through the statement it appears that the applicant/accused has not only produced a forged salary slip of Rs.38,833/-, but also prepared a bogus bank statement of SBI by

using the Logo of State Bank of India. Perused the statement of one witness who is also working as a teacher in Kai. Kashibai Shankarrao Inde High School, wherein he has stated that he receives salary of Rs.1,500/- per month, which is fixed by the applicant/accused, who is working as the Headmaster.

6. In view of this, prima facie, there is evidence of forgery and cheating. Considering the nature of offence, I am not inclined to grant pre-arrest bail. Hence application is rejected.

(MRIDULA BHATKAR, J.)