IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.2383 OF 2018

Pradeep Dayanand Khopkar
(At present Mumbai Central Prison,
Mumbai – II) .. Applicant
Vs.
The State of Maharashtra .. Respondent

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Mrs.Sonal Parab i/b. M/s.Rajjev Sawant & Associates, Advocate for the Applicant.
Mr.A.R. Kapadnis, APP for the Respondent – State.
Mr.Wagh, P.I. Malbar Hill Police Station, Mumbai, present.
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CORAM : PRAKASH D. NAIK, J.

DATED : NOVEMBER 27, 2018.

<u>P.C.</u> :

This is an application for bail in C.R.No.470 of 2017, registered with Varsova Police Station, Mumbai, on 24th December, 2017, for the offences punishable under Section 420, 465, 467, 468, 471 and 120-B read with 34 of Indian Penal Code ("IPC", for short). The First Information Report ("FIR", for short) was registered against accused one Sagar Dhaminadi and other unknown persons. The applicant was arrested on 12th June, 2018.

2 The case of the prosecution is that the complainant has alleged that he was acquainted with one Virendra Singh Bharar and his son Simar Singh Bharar. In January 2014, there was discussion about flat no.601 situated at Varsova Machimar Cooperative Society Limited, Andheri, Mumbai, owned by Mangaldas Ukkad. The sister of the complainant was interested in purchasing the said premises. It was agreed that the said flat be sold for a consideration of Rs.80,00,000/-. Agreement dated 8th July, 2014 was executed in respect to the said property. On completion of the formalities, the complainant had obtained share certificate in the name of his sister Smt. Anita Kumari. The complainant also agreed to make payment of Rs.12,00,000/-, to the society, for clearing outstanding dues. Subsequently, the original owner of the said premises Shri Mangaldas Ukkad had expired on 16th December, 2014. The officers of Dena Bank visited the house of the complainant and informed that the deceased had obtained the loan of Rs.1 crores from the Bank in the year 2016, by depositing the documents relating the said property along with No Objection Certificate of the society. It was pretended that Mangaldas Ukkad had sold the said flat to Sagar Thaminadi, and, he had obtained the loan from the Bank. It is alleged that

although Mangaldas Ukkad had expired, he was impersonated and on the basis of fake documents, loan was obtained by the accused. The prosecution case against applicant – accused is that amount of Rs.58,75,000/-, was transferred to the account of the applicant, which was subsequently transferred to the account of the co-accused. It is alleged that except the amount of Rs.5,00,000/-, the rest of the amount was transferred in the account of co-accused. It is alleged that all the accused in connivance with each other and with the help of forged documents obtained loan from the Bank by impersonation. The applicant was arrested. The other accused were also arrested. Some of the accused are absconding. On completing investigation, charge sheet has been filed. On perusal of the documents on record, apparently the role attributed to applicant is that amount, as stated hereinabove, was transferred to his account, which was further disbursed to the account of the co-accused. From the documents it doesn't appears that the applicant had taken active part in the act of impersonation preparing and fabricating documents. Learned APP submits that the accused acted in connivance with each other. The person who was dead has been impersonated. Loan was obtained from the Bank on the basis of false documents. Applicant was misappropriate Rs.5,00,000/-. The documents were created by impersonation. The evidence on record indicate that the accused had committed the said offence. There are no reported antecedents against the applicant. However, taking to the consideration, the role attributed to the applicant, as stated hereinabove, and considering the fact that the accused is in custody from 12th June, 2018, and charge – sheet is filed, case for grant of bail is made out.

3 Hence, I pass the following order:

:: O R D E R ::

(i) Bail Application No.2383 of 2018, is allowed;

(ii) Applicant is directed to be released on bail in connection with C.R. No.470 of 2017, registered with Varsova Police Station, Mumbai, on his furnishing P.R. Bond in the sum of Rs.20,000/-, with one or more sureties in the like amount;

(iii) Applicant is directed to attend the Varsova Police Station, Mumbai, once in a month on first Saturday of the month between 10:00 a.m. to 12:00 noon, till further orders;

(iv) Applicant is directed to attend the trial Court on the date of hearing regularly, unless exempted by the Court;

(v) Bail Application No.2383 of 2018, stands disposed of.

(**PRAKASH D. NAIK, J.)**