

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

ANTICIPATORY BAIL APPLICATION NO.2209 OF 2017

Shri. Sandip Baban Nangare Applicant
 Vs.
The State of Maharashtra Respondent

Mr. Sugandh B. Deshmukh for the Applicant.
Ms. Veera Shinde APP for the State.

Coram : *Smt. Sadhana S. Jadhav, J.*
Date : *29th January, 2018*

P.C.:

1 Heard the learned counsel for the applicant and the learned APP.

2 This is an application under Section 438 Code of Criminal Procedure. The applicant herein is apprehending his arrest in Crime No.202 of 2017, registered at Baramati City Police Station, for the offences punishable under Sections 420, 406, 409, 467, 468, 471, 120B read with 34 Indian Penal Code.

3 It is the case of the prosecution that the complainant, Rangnath Genba Mhatre had lodged a report at the Police Station on 17th March, 2017 alleging therein that he had applied to Punjab

National Bank, Baramati Branch seeking agricultural loan. The loan was sanctioned. The original accused nos. 1 and 2 had fraudulently transferred the loan amount of Rs.26,57,745/- in their personal bank accounts. The name of the applicant is not stated in the F.I.R.. However, in the course of investigation, it had transpired that the original accused nos.1 and 2 had transferred an amount of Rs.12,50,031/- in the account of the present applicant. This Court had directed the applicant to deposit an amount of Rs.12,50,000/- in the Court of Civil Judge, Junior Division, Baramati. The order is complied with. The receipts are taken on record and marked Article "X" for identification.

4 Learned counsel for the applicant submits that at the instance of one of the relatives of the applicant, the amount was transferred in his account. That he never intended to be beneficiary of the said amount. In any case, the amount is deposited in the Sessions Court, hence the applicant deserves grant of pre-arrest bail.

5 However, the observations made hereinabove are prima facie in nature. The learned Sessions Court shall not be influenced by the above observations at the time of hearing the application for discharge or quashing of FIR or at the time of trial. The same be decided on its own merits. Hence, the following order :

ORDER

- 1 The application is allowed.
- 2 In the event of arrest in Crime No. 202 of 2017, registered at Baramati City Police Station, the applicant be enlarged on bail on furnishing P.R. bonds in the sum of Rs.50,000/- with one or more solvent sureties in the like amount.
- 3 The applicant shall report to the concerned police station as and when called.

(Smt. Sadhana S. Jadhav, J)