

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

ANTICIPATORY BAIL APPLICATION NO.2229 OF 2017

Vishal Anandrao Patil	... Applicant
V/s	
The State of Maharashtra	... Respondent

Mr.Prashant Mohan Patil for the Applicant.
Ms.Veera Shinde, APP for the State/ Respondent.
Mr.D.M.Kolhe, PSI, Uttam Nagar Police Station present.

**CORAM : SMT.SADHANA S. JADHAV, J.
DATE : JUNE 06, 2018.**

P.C. :

1. Heard.
2. This is an application under Section 438 of Cr.PC.. The applicant herein is apprehending his arrest in Crime No.79 of 2017 registered at Uttamnagar Police Station, Pune for the offences punishable under Sections 420, 465, 467, 468, 471 r/w 34 of IPC.
3. It is the case of the prosecution that Mahendra Dangat lodged the report at police station on 14th September 2017, alleging therein that he was cheated by Prashant Jadhav and his wife Dipali Tanpure. It is alleged that the complainant happens to

be one of the partners of the construction firm “Laxmi properties”. Prashant Jadhav and his wife had booked Flat No.901 and the consideration was of Rs.43,40,000/-, Rs.41,000/- was paid towards booking amount and agreement for sale was also executed upon payment of the booking amount. Thereafter, it was submitted that they would pay by borrowing a loan from the bank and make the balance payment. Despite persuasion Prashant Jadhav had failed to pay the amount. Since the balance payment was not made, the agreement for sale was cancelled with the consent of the parties. Thereafter, one Kalyani Nirgude had booked the said flat by paying an advance amount of Rs.3,00,000/-. Again agreement for sale was executed. Kalyani Nirgude had also informed the complainant that she would pay by borrowing loan from some bank and for that purpose they should give “No Objection Certificate” as builders. When Kalyani Nirgude approached the bank, she was informed that there is lien of Rs.34,70,000/- on the same flat. She had contacted the complainant and informed him about the same and at that time, it was revealed that Prashant Jadhav and his wife Dipali Tanpure had forged documents and had obtained a loan on the flat, which

they had taken and later on cancelled. In the said FIR it is alleged that the first informant had later on learnt that the agent of Indian bank had helped Prashant Jadhav and Dipali Tanpure in submitting a false proposal and obtaining loan by deceit. The only allegations against the applicant is that he is an agent of the Indian Bank.

4. Learned APP fairly submits that the work of an agent is to put up the proposal before the bank authorities and get the loan sanctioned. It cannot be inferred that the applicant had any knowledge as to whether the documents submitted by Prashant Jadhav and Dipali Tanpure were forged and fabricated. In all probabilities he has presented the documents which were submitted to him. Prima facie no case is made out against the applicant, hence the application deserves to be granted on pre-arrest bail.

5. The observations are restricted to an application under section 438 of Cr.P.C. and shall not be taken into consideration for the purpose of quashing of FIR and discharge application or at the time of trial. Hence, following order:-

ORDER

- i) The Application is allowed.
- ii) In the event of arrest, the applicant be enlarged on bail on furnishing PR bond in a sum of Rs.50,000/- with one or more solvent sureties in the like amount.
- iii) The applicant shall report to the concerned police station as and when called and co-operate with the Investigating Agency.
- iv) The application stands disposed of accordingly.

(SMT.SADHANA S.JADHAV, J.)