

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,**  
**NAGPUR BENCH, NAGPUR**

**CRIMINAL APPLICATION (ABA) NO.106/2018**

**Imran Mohd. Tarique Sheikh**

**..vs..**

**State of Mah., thr. its PSO PS Khaparkheda, Nagpur**

.....  
Office Notes, Office Memoranda of Coram,  
appearances, Court orders or directions  
and Registrar's orders

Court's or Judge's Order

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Shri S.S. Jaiswal, Counsel for the applicant.

Shri V.A. Thakare, Addl.P.P. for the State.

**CORAM : V.M. DESHPANDE, J.**

**DATED : FEBRUARY 22, 2018.**

1. Heard learned counsel Shri S.S. Jaiswal for the applicant and learned Additional Public Prosecutor Shri V.A. Thakare for the State. Also, perused the reply filed on behalf of the State to oppose the application for grant of anticipatory bail.

2. The applicant is apprehending his arrest in connection with Crime No.32/2018 registered with Police Station Khaparkheda, Nagpur for the offences punishable under Sections 406, 420, 468, and 471 read with Section 34 of the Indian Penal Code.

3. As per the prosecution case, the First Information Report (FIR) is lodged by Smt. Sonal Anandrao Bankar, who is the Branch Manager of the State Bank of India, Branch Khaparkheda at Nagpur. From the FIR it appears that it is lodged against 7 persons including the present applicant.

4. The gist of the FIR is that the accused persons separately

applied with the bank for obtaining car loan and in stead of purchasing cars have cheated the bank by producing forged documents.

5. Insofar as the present applicant is concerned, as per the prosecution case, the applicant made an application for grant of vehicle loan (Nissan Terrano White) on 22.11.2017. The bank officials granted the said application and sanctioned loan vide order dated 23.11.2017 and the loan to the tune of Rs.8,50,000/- was sanctioned.

6. According to the prosecution, in stead of transferring the said amount to the bank account of car dealer i.e. M/s. A.K. Gandhi, the applicant in connivance with one Irfan has transferred the amount in the account of said Irfan. It is also the case of the prosecution that forged documents i.e. vehicle receipt, RTO Tax, Insurance Policy, Local Body Tax (LBT) receipts, on which the signatures of the applicant are appearing, were submitted to the bank.

7. The case of the applicant is that he went to the car dealer M/s. A.K. Gandhi where he met with a person who disclosed his identify as Irfan. According to him, the applicant is not having role whatsoever. After reading news items in the newspaper that the bank is duped, he on his own visited the bank and has repaid the entire amount of Rs.8,50,000/- which was obtained by him by way of loan. He has also annexed along with the application the statement of his bank account and also the "No Due Certificate" given by the bank which is at page No.20-A of the compilation. The said is issued by the State Bank of India. The said communication shows that the car loan account of the applicant is closed as per his request on 25.1.2018 and the loan account

has zero balance as on date. This particular fact is also substantiated by the prosecution itself in its reply. The prosecution has submitted in its reply that the applicant has repaid the entire amount of loan to the bank.

8. As per learned Additional Public Prosecutor Shri V.A. Thakare for the State, the custody of the applicant is required in order to trace out the person by name Irfan. Learned Additional Public Prosecutor also submitted that the documents, which are forged in the nature, are having the signature of the applicant and, therefore, his custodial presence is required.

9. Insofar as tracing out of Irfan is concerned, in my view, the prosecution cannot claim the custodial presence of the applicant. It is duty of the investigating officer and investigating machinery to book culprit who is in conflict with law.

10. Insofar as signatures and handwriting on the documents which are forged, as per the claim of the prosecution, are concerned, according to learned Additional Public Prosecutor for the State, those documents are seized and are in custody of the investigating officer. Therefore, custodial presence of the applicant is not required. Further, the interest of the prosecution can be taken care of by directing the applicant to attend the police station and extend full cooperation to the investigating officer. That leads me to pass the following order:

**ORDER**

(a) The criminal application is allowed.

(b) Applicant-Imran Mohd. Tarique Sheikh, in the event of his arrest in connection with Crime No.32/2018 registered with Police Station Khaparkheda, Nagpur for the offences punishable under Sections 406, 420, 468, and 471 read with Section 34 of the Indian Penal Code, the applicant be released on bail on he executing a P.R. Bond in the sum of Rs.25,000/- with two solvent sureties of the like amount.

(c) The applicant is directed to attend the police station on 24<sup>th</sup>, 26<sup>th</sup>, 27<sup>th</sup>, and on 28<sup>th</sup> of February 2018 and shall be with the investigating officer from 11:00 a.m. to 5:00 p.m. and shall extend full cooperation to the investigating officer.

(d) During the said period, it shall be open for the investigating officer to obtain sample of handwriting of the applicant and also conduct other investigation in the matter.

(e) The applicant shall maintain diary showing his presence in the police station.

(f) After attendance on 28.2.2018, the applicant shall attend the police station as and when he is called by the

investigating officer. However, for that the investigating officer shall give a clear-cut 48 hours written communication to the applicant.

(g) If any of the conditions is breached by the applicant, it shall be open for the investigating officer to file an application for cancellation of bail.

(h) It is made clear that the observations made in this order are purely for deciding the application for grant of bail only and learned Judge of the Court below, who shall be trying the case, shall not get influenced by the observations made in this order.

(i) With this, the criminal application is allowed and disposed.

**JUDGE**

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