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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.830 OF 2018

Mahesh Shashikant Dange

..Applicant.

V/s.

The State of Maharashtra

..Respondent.

Mr.Manoj Mohite with Mr.Amogh Singh i/b. Dhirendra P.Singh for the applicant.

Mr.S.S.Hulke, APP for the respondent-State.

CORAM : NITIN W. SAMBRE, J.

DATE : JANUARY 24, 2019

P.C.:-

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

2. In crime No.661/2017 for offence punishable under sections 420, 406, 465, 467, 468, 469 471 of the Indian Penal Code registered with Pandharpur police station, District Solapur, the applicant is seeking pre-arrest bail.

3. The complaint in question came to be lodged by one Balasaheb Chaugule Recovery officer with Rukiminibai Co-operative Bank Ltd., Pandharpur. The main accused Rajendrasingh Sopanrao Suryavanshi had obtained loan of Rs.11 lakhs against security of land

Gut No.317 admeasuring 11.15 hectors, Anavali, Taluka Pandharpur.

4. A registered mortgage deed was executed by Rajendrasingh, the main accused as an security for the said loan. Suppressing the said fact, it is claimed that the accused Rajendrasingh Suryavanshi had obtained loan of Rs.3 crores from the Bank of Maharashtra with whom the present applicant was working as Manager.

5. In the aforesaid background, Mr.Mohite, learned counsel for the applicant would urge that in the crime in question, there is hardly any role to be played by the applicant in the matter of processing and sanctioning the loan in favour of Rajendersingh Suryavanshi, particularly when the charge of the said co-operative bank over the land mortgaged in the loan transaction was not brought to the notice of the applicant being one of the official of Bank of Maharashtra who has sanctioned the loan.

6. So as to substantiate his contention, he has relied upon the charge-sheet filed in the matter.

7. This Court has already appreciated the role of the present applicant in the alleged offence of sanction of loan to the extent of Rs.3 crores which is investigated in Crime No.661/2017. Once it is noticed that Mr.Gaikwad, the Bank Manager of Bank of Maharashtra

was required to be held responsible for recommending and sanctioning the loan of Rs.3 crores by the said Bank, in my opinion, the present applicant cannot be held to be responsible for the alleged fraud of sanction of loan irrespective of there being the charge of the complainant co-operative bank. There is no material to infer conspiracy or otherwise against the applicant in the capacity of officer of the Bank of Maharashtra in the alleged offence.

8. There is hardly any material on record to infer that the authority of the co-operative bank over the property in question was brought to the notice of the applicant and still the applicant has proceeded to sanction the loan in favour of co-accused Rajendrasinh Suryavanshi. That being so, the applicant deserves to be released on pres-arrest bail. Hence the order :-

- i) In the event of arrest in Crime No.661/2017 for offence punishable under sections 420, 406, 465, 467, 468, 469 471 of the Indian Penal Code registered with Pandharpur police station, District Solapur, the applicant be released on bail on his executing P.R. bond of Rs.50,000/- with one or two sureties in the like amount;
- ii) The applicant shall attend the Investigating officer on 4th, 7th, 12th and 16th February, 2019 between 10.00 a.m. to 12.00

noon and thereafter as and when directed;

- iii) The applicant shall not influence the prosecution witnesses or tamper with the evidence;
- iv) The applicant shall co-operate with the investigating agency;
- v) The application stands disposed of accordingly.

(NITIN W. SAMBRE, J.)