IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 216 OF 2019

Hemant Ashok Udawant … Applicant
Vs.
State of Maharashtra … Respondent

WITH

ANTICIPATORY BAIL APPLICATION NO. 217 OF 2019

Manisha Hemant Udawant … Applicant
Vs.
State of Maharashtra … Respondent

…

Shree & Company for the applicant.
Mr. S.R. Agarkar, APP for the Respondent-State.
Mr. Dharmapal Bansade, Police Inspector, Palghar is present.

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CORAM : PRAKASH D. NAIK, J.
DATE : 25th JANUARY, 2019.

P.C.

1. Applicant in both these applications are husband and wife. They are apprehending arrest in connection with CR No. I-21 of 2016 registered with Mokhada Police Station for the offence punishable under Sections 420, 467, 468, 406, 409, 120(B) read with 34 of Indian Penal Code. First Information Report was lodged on 28th April, 2016. Applicants had preferred an anticipatory bail application for bail before the Sessions Court which was rejected on 10th October, 2017 and 29th March, 2017 respectively.

2. The other accused named in the First Information Report

were arrested and granted bail by this Court vide order dated 25th January, 2017.

3. Case of the prosecution is that loan was obtained by accused from Thane District Co-operative Bank and for that gold was given as a security. Subsequently, it was found that gold entrusted as a security was fake. It is alleged that borrowers and the bank officials were acting in connivance with each other. Loan amount which was disbursed was credited into the account of the accused which was subsequently withdrawn. Some of the persons who had purportedly obtained the loan were arrested and granted bail. Application preferred by co-accused was decided by this Court vide order dated 25th July, 2017 granting bail to them. According to the prosecution applicants are the main accused instrumental in obtaining loan. Learned counsel for the applicant submitted that the applicants are willing to furnish security towards the alleged loan amount by way of immovable property which can be attached by the bank. It is submitted that investigation is completed and chargesheet has been filed against the accused. Custodial interrogation of the applicant is not necessary.

4. Learned counsel for the applicants submits that the security was verified by the bank and thereafter loan was sanctioned and

subsequently it was alleged that gold handed over as security was fake.

5. Learned APP submitted that the applicant in both these applications have played a vital role in this crime loans were sanctioned in the name of both the applicants. Learned counsel for the applicant however submitted that applicant in ABA No. 217 of 2019 is wife of the applicant in ABA No. 216 of 2019. She can be granted bail. Learned APP however pointed out that applicant in ABA No. 217 of 2019 has also played major role in this crime.

6. It is pertinent to note that FIR was registered in 2016. Application for anticipatory bail preferred by the applicants was rejected in 10th October, 2017 and 29th March, 2017 respectively. Applicants were not available for investigation. Present applications preferred by both applicants almost after one and half year. Considering the role played by the applicants, no case for grant of anticipatory bail is made out and both applications are rejected.

(PRAKASH D. NAIK, J.)