IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1445 OF 2019

Koushik Drubananda Chatterjee] … Applicant

Versus

The State of Maharashtra] … Respondent

Mr. Prabhanjan Gujar, Advocate for the Applicant.
Mr. S. H. Yadav, APP for the State/Respondent.
PSI Bhoye attached to Nigadi Police Station present.

CORAM :- SARANG V. KOTWAL, J.
DATE :- 8th JULY, 2019.

P. C. :-

1. The applicant had approached this court for anticipatory bail vide ABA No.1143/2019. On that occasion, Ld. Counsel for the applicant had prayed for withdrawal of that application. His prayer was granted and application was allowed to be withdrawn. That order was passed by this court on 10/06/2019. Thereafter, the applicant did not surrender before the police and again approached this court for the same relief when there was no change in the circumstances. This is nothing but abuse of process of law. However, in the interest of justice and at the instance of Ld. Counsel for the applicant, I have heard Ld. Counsel for the applicant again.

2. The applicant is seeking anticipatory bail in connection with C.R. No.96/2019 registered with Nigadi Police Station, Pimpari Chinchwad u/sec. 406, 420, 465, 467, 468, 469, 471 of I.P.C.

3. The FIR in this case is lodged by one Almeda who was working as the Branch Manager of Basin Catholic Co. Op. Bank Limited, Akurdi Branch. The present applicant was working in Sales and Marketing department of the bank since 16/04/2018.

4. On 17/12/2018, the first informant received a phone call from one Birajdar. He wanted Performance Bank Guarantee. The informant was told that said Birajdar did not have bank account, but he was aware that his acquaintance had received bank guarantee. A copy of that bank guarantee was sent on the first informant's telephone. When the first informant saw copy of that bank guarantee, he realised that his signature was forged on it. Thereafter, the first informant made further inquiries in his bank. He found that one Aatikur Rehman was having Current Account No.347 in their bank. Two cheques amounting to Rs.30,000/- and Rs.8,200/- were credited in the applicant's account maintained with HDFC Bank drawn on the

Current Account of the Aatikur Rehman. The first informant then called Aatikur Rehman in the bank. He informed that the processing charges for giving Performance Bank Guarantee to the tune of Rs.30,000/- and Insurance charges Rs.8,200/- were demanded by the applicant. Those amounts were not credited to the bank. But the applicant deposited those cheques in his personal account. In addition to that, Performance Bank Guarantee which was given to Aatikur Rehman was having forged signature of the informant. Thereafter, on further inquiries, the authorities of the bank came to know that the applicant had indulged in creating forged documents in respect of the bank guarantee and sanction of loans. On this basis, the FIR was lodged.

5. Ld. Counsel for the applicant submitted that the entire evidence is in the nature of documentary evidence and therefore, since the documents are already in the custody of the bank ; custodial interrogation of the applicant is not necessary.

6. As against this, Ld. APP pointed out that the offence is serious. On the basis of forged documents, large amounts were credited by the

applicant in his own account and applicant's custodial interrogation is necessary.

7. I have considered the submissions advanced by both the parties. The FIR clearly mentions the offence committed by the present applicant. The investigation carried out so far reveals that, the applicant has committed forgery of documents and had received amounts in his personal account, though he was not entitled to the same. The applicant has caused losses to the bank.

8. In view of these allegations of forgery and use of bank letterhead, stamps and seals such documents are created by the applicant, therefore custodial interrogation of the applicant is absolutely necessary. No case for anticipatory bail is made out. Hence, the following order.

ORDER

Application is rejected and stands disposed of accordingly.

(SARANG V. KOTWAL, J.)