

Anand

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

BAIL APPLICATION NO. 2095 OF 2019

Ambadas Anjaya Gaddam

.Applicant

Vs.

The State of Maharashtra

.Respondent

Mr. Rajesh Singh a/w Ms Priti R. Mahajan, Advocate, for the Applicant
Mr. S. S. Hulke, APP, for the Respondent – State
Mr. Dipesh Kini, PSI, Bhiwandi Police Station, Thane present

CORAM : REVATI MOHITE DERE, J.

DATE : 23.09.2019

P.C.

. Heard learned counsel for the parties.

2. By this Application, the Applicant seeks his enlargement on bail in connection with C. R. No. I-407 of 2017 registered with the Bhiwandi Police Station, Thane, for the alleged offences punishable under Sections 420, 406, 467, 468, 471 r/w 34 of the Indian Penal Code.

3. Perused the papers. According to the Complainant – Anil Motiram Patil, Branch Manager, Thane District Central Co-operative Bank, Bhiwandi branch, Thane, all the accused availed of loan facility from the said Bank, on the basis of false and forged documents and obtained vehicle loan to the tune of Rs. 40,61,000/- from the said Bank.

It is stated by the Complainant that out of the said vehicle loan, Rs. 23,55,622/- have been deposited by the respective borrowers with the Bank by way of EMIs till 2018. According to the Complainant, although the loan was availed for car, no vehicle was purchased and that false and forged R. C. T. C. books etc. were prepared and submitted to the Bank. It appears that all the accused, almost ten accused had approached the Branch Manager of the Thane District Central Co-operative Bank for obtaining vehicle loan and after considering the documents as well as the assurance given by the guarantors, the Bank sanctioned vehicle loan to the said accused. It appears that the Applicant had represented himself to be the owner of “Balaji Motors” and had in fact, opened a Bank account in the name of Balaji Motors with the Sahayadri Co-operative Bank. It appears that after the loans were sanctioned, the said amounts were deposited with the Balaji Motors, who in turn transferred the amounts to the alleged purchasers of vehicle. It is not in dispute that the said vehicle purchasers were paying their respective EMIs to the Bank till 2018. No doubt, prima facie, there is material to show that the Applicant alongwith other co-accused cheated the Bank, however, it appears that most of the accused have been enlarged on bail. The Applicant is in custody since 24.02.2018. Investigation is complete and charge-sheet is filed. The Applicant has no similar antecedents.

4. Accordingly, the Application is allowed and the Applicant is enlarged on bail on the following terms & conditions :-

ORDER

(i) The Applicant be enlarged on bail, on executing P. R. Bond in the sum of **Rs. 50,000/-** with one or two local solvent sureties in the like amount;

(ii) The Applicant shall report to the investigating officer of the concerned police station on the **first Saturday of every month** between **10.00 a. m. and 1.00 p. m.** for a period of 24 months from the date of his release;

(iii) The Applicant shall not leave India without the prior permission of the trial Court;

(iv) The Applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

(v) The Applicant to co-operate with the conduct of the trial and attend all the dates before the trial Court, unless exempted;

(vi) The Applicant shall file an undertaking with regard to Clauses (ii) to (v) in the trial Court, within two weeks of his release;

(vii) If there are two consecutive defaults either in attending the police station or in appearing before the trial Court, or breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek

cancellation of the Applicant's bail.

5. The Application is allowed in the aforesaid terms and is accordingly disposed of.

6. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)