

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1919 OF 2018

Amol Jaysing Yewale] ... Applicant

Versus

The State of Maharashtra] ... Respondent

Mr. Aniket Nikam i/b Mr. Vivek Arote, Advocate for the Applicant.
Mr. S.H. Yadav, APP for the State/Respondent.

CORAM :- SARANG V. KOTWAL, J.
DATE :- 30th AUGUST, 2019.

P. C. :-

1. The applicant is seeking anticipatory bail in connection with C.R.No.108/2018 registered with Market Yard Police Station, Pune City u/sec. 420, 406, 465, 467, 468, 471 r/w 34 of I.P.C.

2. The FIR is lodged in the year 2018 by one Dashrath Katkam who was Manager in Solapur Janata Sahakari Bank Branch, Market Yard. He has stated that, in the year 2017, the applicant approached complainant bank for sanctioning loan to the tune of Rs.2 Lakhs. The application was processed and the loan was sanctioned on the basis of security provided by the applicant in respect of the mortgage of piece

of land situated in Gat No.1416 at Shirur admeasuring 10,000 sq. ft. It was non agricultural land. Based on this security around Rs.3 Crores were sanctioned by way of loan. Subsequently, the complainant bank came to know through advertisement in respect of auction of the mortgaged property that it was also mortgaged with Corporation Bank. Thus, the bank came to know that, the applicant had mortgaged same property as security which he had earlier mortgaged with some other bank. Thus, the applicant had obtained loan on false representation and thus, the FIR was lodged.

3. Heard Mr. Aniket Nikam, Ld. Counsel for the Applicant and Mr.S.H. Yadav, Ld. APP for the State/Respondent.

4. Mr. Nikam submitted that, the applicant would try to raise money to satisfy the outstanding amount of the bank. He submitted that, the co-accused is released on bail, therefore custodial interrogation of the applicant is not necessary.

5. Mr. Yadav, Ld. APP opposed these submissions and added that, the applicant suppressed the transaction with the bank.

6. I have considered these submissions. From the FIR, the facts emerge that, the applicant entered into the transaction with the complainant bank and knowingly offered the same security i.e., the same piece of land which was already mortgaged with another bank. Thus, the dishonest intention of the applicant is clearly made out. Therefore, custodial interrogation of the applicant is necessary. Hence, the following order.

ORDER

Application is rejected and stands disposed of accordingly.

(SARANG V. KOTWAL, J.)