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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 2728 OF 2018

Avinash Harishchandra Kudtarkar .Applicant

Vs.

The State of Maharashtra .Respondent

Mr. Parikshit P. Chakurkar, Advocate, for the Applicant
Ms Veera Shinde, APP, for the Respondent – State
Mr. Bhushan M. Dayma, API, Mahatma Phule Chowk Police Station, Kalyan present

CORAM : REVATI MOHITE DERE, J.

DATE : 16.07.2019

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-346 of 2017 registered with the Mahatma Phule Chowk Police Station, Kalyan, for the alleged offences punishable under Sections 406, 420, 465, 466, 467, 468, 471 r/w 34 of the Indian Penal Code.

3. Learned counsel for the Applicant submits that the Applicant is only a vegetable vendor, who is alleged to have forged and

fabricated a Gumasta License alongwith other co-accused. He submits that all the co-accused who have allegedly played a similar role, including the Branch Manager of the Muthoot Finance have been enlarged on bail.

4. Learned APP does not dispute the fact that all the co-accused have been enlarged on bail. She also does not dispute the fact that the Applicant is a vegetable vendor. She, however, states that since 2011, the Applicant had collected Aadhar Cards, Pan Cards of small scale vendors and given it to co-accused – Mr. Sandesh Salunkhe and that with the help of Mr. Sureshbabu Nair, Regional Manager, Muthoot Finance, loans were sanctioned. She submits that in the house search of the Applicant, several forged documents were found. She has further stated that the Applicant had opened two Bank accounts in different names with different Pan Cards.

5. According to the prosecution, a complaint was lodged by Mr. Rajendarpal Tandon, Regional Manager of Muthoot Finance, Vashi alleging that co-accused – Prachi Medhekar, one of the Branch Managers of Muthoot Finance (Kalyan Branch) alongwith other co-accused including Sunil Nayar (Area Manager) of Muthoot Finance

had during the period between 22.02.2016 to 17.06.2016 with the help of co-accused – Mr. Sandesh Salunkhe and the present Applicant, forged 80 Gumasta Licenses and had got loan sanctioned. The loan was sanctioned to 112 customers, by giving cheques in the name of Sadguru Group and Sainath Enterprises, which was run by co-accused - Mr. Sandesh Salunkhe. It is alleged that 27 customers, out of 112 customers repaid their loan amounts and closed their accounts, however, the balance 85 customers were not even aware about the loan sanctioned in their names. It is alleged that all the accused including the Applicant cheated the Company i. e. Muthoot Finance to the tune of Rs. 21,36,035/-. It is not in dispute that all the co-accused including the Area Manager, Branch Manager of Muthoot Finance and other co-accused have been released on bail. The Applicant is in custody since 27.12.2017. Investigation is complete and charge-sheet is filed.

6. Considering the aforesaid, the Application is allowed and the Applicant is enlarged on bail on the following terms & conditions :-

O R D E R

(i) The Applicant be enlarged on bail, on executing P. R. Bond in the sum of **Rs. 25,000/-** with one or two local 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 11.00 a. m. till the conclusion of trial;

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

(iv) The Applicant shall inform his latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

(v) The Applicant shall cooperate with the conduct of the trial and appear in the trial Court on every date, unless exempted by the triial Court;

(vi) The Applicant to 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.

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

8. 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.)