

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

ANTICIPATORY BAIL APPLICATION NO. 2705 OF 2018

Namdeo Nana Walunj & Ors. ... Applicants

Versus

The State of Maharashtra & Anr. ... Respondents

Mr. Shashikant M. Sansare for Applicants.

Ms. S. S. Kaushik, APP for Respondent No.1 – State.

Mr. Somnath Diwate, PSI, Shikrapur Police Station, Pune present in Court.

CORAM : NITIN W. SAMBRE, J.

DATE : JANUARY 31, 2019.

P.C. :

. In Crime No. 856 of 2018 for an offence punishable under Sections 420, 467, 468, 471 read with Section 34 of the Indian Penal Code Applicants are seeking pre-arrest bail.

2. As far as the prayer for grant of bail made by the Applicant No. 3 – Santosh Namdeo Walunj and Applicant No.29 – Sagar Vishwanath Karpe is concerned, their prayer is liable to be rejected, as there is sufficient material available on record to infer the involvement of the Applicant Nos.3 and 29 in the crime in question.

3. Statement of complainant Smt. Raksha Dasharath Jadhav, the Branch Manager of Maharashtra Gramin Bank, Karandi Branch, Tahsil Shirur, District Pune; Development Officer of District Development Bank; Mr. Govind Ghodke, Talathi; and Secretary of Vivid Karyakari Sewa Sahakari Society in categorical terms disclosed the involvement of the Applicant No.3 – Santosh in the crime in question. There is enough material available on record to pin-point practicing fraud on the system thereby sanctioning undeserving loan and drawing the commission out of the same.

4. It is also brought to the notice of this Court by the learned APP that against the Applicant No.3 – Santosh similar complaint is preferred by the Branch Manager in relation to the fraud at Police Station, Shirur.

5. As such there is justifiable case of custodial interrogation. Hence, the prayer for grant of bail made by the Applicant No.3 – Santosh stands rejected.

6. So far as the claim of Applicant No.29 – Sagar Vishwanath Karpe is concerned, what is noticed is, he is an equal beneficiary of the misdeed of the Applicant No.3 – Santosh in the crime in question. The said Applicant has not repaid the entire loan which he has availed by practicing fraud on the system. As such, the prayer for grant of bail made by the Applicant No.29 is also rejected.

7. So far as the prayer for grant of bail made by the rest of Applicants are concerned, since these Applicants have shown their *bona fides* by depositing entire amount of loan with interest, in my opinion, the custodial interrogation of all these Applicants but for Applicant Nos.3 and 29 is not warranted. As such, their prayer for grant of anticipatory bail stands allowed. Hence, the following order.

ORDER

(A) In the event of arrest in Crime No. 856 of 2018 for an offence punishable under Sections 420, 467, 468, 471 read with Section 34 of the Indian Penal Code all the Applicants (Except Applicant Nos.3 & 29) be released on bail on executing PR Bond of Rs.15,000/- with one surety each in the like amount.

- (B) The Applicants shall attend the Investigating Officer as and when directed.
 - (C) The Applicants shall neither tamper the evidence of prosecution nor influence the prosecution witnesses.
8. Anticipatory Bail Application stands disposed of accordingly.

(NITIN W. SAMBRE, J.)