

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

917 ANTICIPATORY BAIL APPLICATION NO.311 OF 2020

1. LAXMAN S/O VITTHAL GIRJE
2. VITTHAL S/O SANTARAM GIRJE
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicants : Mr. Kadam Gajanan G.
APP for Respondents/State : Mr. B.V. Virdhe
...

CORAM : M.G. SEWLIKAR, J.
DATE : 18.12.2020

PC.:-

This is an application under Section 438 of the Cr.PC.

2. Heard Shri Kadam learned counsel for the applicant and Shri B.V. Virdhe learned APP for the State.

3. The allegations against the applicants as made in the FIR are that the applicant nos.1 and 2 had taken a loan from the informant-bank. The property of the applicant nos.1 and 2 was mortgaged for the said loan. It is further alleged that applicant nos.1 and 2 sold the mortgaged property and in this manner they committed offence punishable under Section 420 of the I.P.C.

4. Learned counsel Shri Kadam states on instructions that applicant

no.1 was arrested during the pendency of this application and was released on bail. Therefore, his application was withdrawn. He further submitted that the entire evidence is documentary in nature and therefore no fruitful purpose will be served even if the applicant no.2 is arrested. He further submitted that the applicant no.2 is blind with both eyes and a certificate to that effect has also been produced on record.

5. Shri Virdhe learned APP for the State submitted that the applicant no.1 was arrested and the Investigating Officer has stated in his report that entire information was collected from the applicant no.1 and he had not arrested the applicant no.2 as he did not find it necessary. In view of this, it is evident that the Investigating Officer does not need the custodial interrogation of the applicant no.2. In this view of the matter, I am inclined to confirm the interim anticipatory bail. Application is allowed and the interim anticipatory bail is confirmed on the same terms and conditions.

[M.G. SEWLIKAR, J.]