IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.916 OF 2020

Mukesh Chandrakant Korde

… Versus ...

The State of Maharashtra

...

Mr. S.E. Shekade, Advocate for applicant

Mrs. R.P. Gaur, APP for respondent

...

CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 15th OCTOBER, 2020

ORDER :

1 Present applicant is apprehending his arrest in connection with Crime No.6352 dated 11.08.2020 registered with Tofkhana Police Station, Dist. Ahmednagar for the offence punishable under Section 408, 465, 467, 468 and 471 of the Indian penal Code.

2 Heard learned Advocate appearing for the applicant. After giving factual aspects, contained in the FIR, it has been submitted on behalf of the applicant, that the applicant is innocent. The present applicant was working as office boy with the informant. He was doing all the work as per the instructions of the informant. He had no authority to sign any document.

The informant is working with many banks and every time when the bank suggests the name of the informant as a Private Valuer to the persons, who want loan, then the proper procedure was supposed to be adopted by the informant. He himself was required to pay visit to the place, of which the valuation is to be done, prepare the report and then transmit it to the bank. The informant has charged those banks for the work done. Under such circumstance, he cannot blame the applicant. The FIR would give a picture that the present applicant has prepared some fake valuation reports by using the stamp and signature of the informant. Question, therefore, arises, as to who is exactly responsible. When the informant was supposed to be a professional and was required to be honest with the bank, then question of fake reports will not arise.

3 It is hard to believe that the informant has absolutely no knowledge as to what report he had given to the concerned bank in each and every matter. Applicant is a poor person. His statement of account from the year 2018 till today would show, that there was no big entry regarding the finances, and therefore, the statement by the informant, that the present applicant had purchased house with huge money and also carrying mobile phones of high value is unacceptable. The father of the informant is a Deputy Superintendent of Police and when the bank had issued notice to the

informant, it was realized by the informant and his father that bank would take legal action against the informant. They have implicated the present applicant. Now, nothing is required to be seized at the instance of the present applicant. The offence is based on documentary evidence, which is already with the informant, and therefore, physical custody of the applicant is absolutely not required. He prayed for anticipatory bail.

4 Per contra, the learned APP submitted that the FIR itself would show the manner in which the offence has been committed. The informant in his FIR has clearly stated, as to how the confidence was initially generated by the present applicant for the informant and thereafter behind the back of the informant the applicant has entertained the clients of the informant. He has misused the letter head, stamps of the informant and by forging his signature the accused has earned a lot. Definitely, a thorough inquiry is required in this case.

5 At the outset, it can be seen, that the present applicant is admitting, that he was serving with the informant since 2016. Informant is a registered valuer with about 50 banks. When the informant appointed the applicant in 2016 as Helper, he gave his work experience as office boy with Joshi Consultant, Gulmohar road, Ahmednagar for about 7-8 years. The informant says, that he had taught all the work relating to his profession to

the applicant and trusted him. The applicant was also dealing with the work of taking out E-mail and giving reply to them. Present work of the informant of going to bank, depositing cash or withdrawal of the cash was also done by him. The informant further states, that applicant was handling almost 50% of his work. Earlier the economic condition of the applicant was poor and the life style was simple, but thereafter informant says, that the accused purchased a plot of 1500 sq.ft. as well as he was holding two cell phones worth Rs.90,000/-. It raised suspicion with the informant and thereafter he made inquiry. Though the informant has not given names of those persons with whom he had made inquiry regarding the applicant, but then he says that it was brought to his notice that the applicant has taken Rs.5,000/- from the clients for every valuation report. The informant says, that it was not his fees, but when in March, 2020 one bank had sent him notice regarding valuation, which is stated to be incorrect, it gave birth to the FIR. Prior to that in the year 2019 it is stated, that the applicant had left the job with the informant under the pretext that he is suffering from low blood pressure. The informant has given the documents with the police and definitely when such type of allegations have been made, then definitely a thorough investigation is required. It is not only in case of one report but the scope of the investigation may go to more such documents, which may turn out to be fake or forged. Even as regards the report, which is stated to be fake by the informant, all those aspects about how the transaction took place, who had given more amount than the fees of the informant to the applicant, is also then required to be considered. We cannot just brushed aside the contents of the FIR by saying that the applicant was only the office boy and it was not his job to give report. When it comes to misuse of the office stationery and acceptance of the amount coupled with preparation of false documents, then definitely custody would be required. No case is made out to grant anticipatory bail. Hence, application stands rejected.

(Smt. Vibha Kankanwadi, J.)

agd