

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

**ANTICIPATORY BAIL APPLICATION NO.2181 OF 2019**

|                            |               |
|----------------------------|---------------|
| Thanggoulal Misao and Anr. | .. Applicants |
| <b><i>Vs.</i></b>          |               |
| The State of Maharashtra   | .. Respondent |

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Mr. Prashant D. Patil, Advocate for the Applicant.  
Mr. S.R. Agarkar, APP for the Respondent - State.  
(I.O.) API, Amol Kadam Trombay police station present.

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**CORAM : PRAKASH D. NAIK, J.**

**DATED : MARCH 13, 2020.**

**P.C. :**

This is an application for anticipatory bail in connection with C.R. No.311 of 2019, registered with Trombay Police Station, Mumbai, for the offences punishable under Sections 420, 465, 467, 468 and 471 read with 34 of Indian Penal Code ("IPC", for short). First Information Report ("FIR", for short) was lodged on 24<sup>th</sup> September, 2019.

2           The case of the prosecution is that on 10<sup>th</sup> October, 2016, till 21<sup>st</sup> April, 2017, the co-accused and Shantanu Biswas had purchased false Kisan Vikas Patra in State Bank of India

Anushakti Nagar Branch and obtained loan of Rs.46,42,132/- and without refunding the said amount, the Bank was cheated. Both the applicants were acting in connivance with the co-accused. They did not verify the documents produced by the applicants and did not follow the normal procedure.

3            Learned counsel for the applicants submitted that the applicant no.1 has been working in the Bank since last twenty years. He had unblemished record. He had taken all precautionary measures. There was no intention of causing loss to the Bank. The transaction was executed in 2016 and the FIR is lodged in the year 2019. The custodial interrogation of the applicants is not necessary. Applicant no.2 is working as service manager. She had not played any role in the loan transaction. She is a lady. She need not be subjected to custodial interrogation. Learned APP submits that applicant no.1 acted in connivance with the co-accused. The accused produced forged Kisan Vikas Patra. Endorsement was required to be given on Kisan Vikas Patra, as a lien document, which was not done in respect to fabricated document produced by the co-accused while obtaining loan. The applicant did not follow the general procedure for disbursement of loan against the Kisan Vikas Patra. There was

negligence on the part of the applicant no.1 on following the procedure. It is submitted that as far as applicant no.2 is concerned, she was the service manager and she had recommended the loan proposal.

4           I have perused the FIR and the other documents. The co-accused had obtained loan of Rs.46,42,132/-, against Kisan Vikas Patra. The general procedure required to be followed, was not implemented by the applicant no.1. There is no endorsement marking the document certifying as lien with Bank. The loan was disbursed. The documents were required to be verified. However, prima facie, involvement of the applicant no.1 is disclosed. As far as applicant no.2 is concerned, she had recommended the proposal after following the initial procedure and applicant no.2 need not be subjected to custodial interrogation. Considering the role attributed to applicant no.1, he is not entitled to relief under Section 438 of Cr.P.C.

5           Hence, I pass the following order:

**:: ORDER ::**

- (i) Application for Anticipatory Bail qua applicant no.1 Shri. Thanggoulal Misao stands rejected and the application qua applicant no.2 Smt.

Leema Tony, is allowed;

- (ii) In the event of arrest of Applicant No.2 Smt. Leema Tony, in connection with C.R. No.311 of 2019, registered with Trombay Police Station, Mumbai, she be released on bail on her executing P.R. Bond in the sum of Rs.25,000/-, with one or more sureties in the like amount;
- (iii) Applicant No.2 Smt. Leema Tony shall report the investigating officer as and when called for, till filing of the charge - sheet;
- (iv) Anticipatory Bail Application No.2181 of 2019 stands disposed of accordingly.

**(PRAKASH D. NAIK, J.)**