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

**ANTICIPATORY BAIL APPLICATION NO. 309 OF 2021**

Santosh Tukaram Raut,
Age : 60 years, Occu. Agricultural,
R/o. Sanvatsar, Tq. Kopargaon,
Dist. Ahmednagar. ...**Applicant**

**Versus**

The State of Maharashtra ...**Respondent**

.....

Mr. Ravindra V. Gore, Advocate h/f Mr. Yogesh S. Thorat, Advocate for the applicant
Mr. S. B. Narwade, APP for respondent / State
Mr. R. L. Kute, Advocate to assit PP

.....

**CORAM : V. G. BISHT, J.**

DATE OF RESERVING THE ORDER : 20th September, 2021
DATE OF PRONOUNCING THE ORDER : 22nd September, 2021

**PER COURT : -**

1. This is an application under Section 438 of the Code of Criminal Procedure, 1973 preferred by the applicant seeking grant of pre-arrest bail in connection with Crime No. 0030 of 2021, registered with Kopargaon Rural Police Station, District Ahmednagar, for the offences punishable under Sections 420, 465, 467, 468, 504, 506 r/w 34 of the Indian Penal Code.

2. The prosecution case, in short, is that the informant and her mother owns and possesses 7 acres and 30 *Are* land in Gut No.332, situated at Mouje Bhojade. She and her mother have bank accounts with Ahmednagar District Central Cooperative Bank Limited, Branch at Dahegaon Bolka. The passbooks of both the accounts were given seven years ago to informant's brother, namely, Santosh Shivajirao Sasane, who is accused no. 1, for recording transaction entries in the said passbooks. Accused no. 2 is the wife of said accused no. 1 – Santosh Shivajirao Sasane.

3. Prosecution alleges that on 03.08.2020, when the informant along with her mother visited branch of said Bank at Dahegaon Bolka, the Manager informed them that the accused Santosh Shivajirao Sasane and his wife along with present applicant had been to said bank. It was accused Santosh Shivajirao Sasane, who withdrew all the amount lying in the accounts by filling in the withdrawal slips. When the said amount was demanded by the informant from her brother, he refused to pay.

4. It is further alleged that when the informant and her mother went to Sanvatsar Big Bagayatdar Multipurpose Cooperative Credit Society, Sanvatsar on 25.08.2020, they found that the

accused– Santosh Shivajirao Sasane, who is brother of informant, had availed loan from the said cooperative society by forging the signatures of informant and her mother. It is further alleged that the present applicant also hurled abuses at informant and her mother and threatened them with dire consequences, if they would file a complaint against them. Accordingly, the FIR came to be filed.

5. Mr. Ravindra V. Gore holding for Mr. Yogesh S. Thorat, learned Counsel for the applicant, submits that a bare reading of the FIR would show that no case is made out against the applicant. The only role played by the applicant was that of mediator. It is also not the case that the applicant was, in any manner, beneficiary to the alleged offences. No overt act pertaining to the offence of cheating and forgery is attributed against him. The learned Counsel further submitted that the main accused are already on bail. In such circumstances, the present application deserves to be allowed, argued learned Counsel.

6. Mr. S. B. Narwade, learned APP, on the other hand, would oppose the submissions by contending that the custodial interrogation of the applicant is very much necessary inasmuch as he was part of the conspiracy while committing the offences of cheating

and forgery. The learned APP further submitted that it is also necessary to ascertain as to how the withdrawal slips came in possession of the applicant. Investigation is in progress and for all these reasons, the application deserves to be rejected.

7. Mr. R. L. Kute, learned Counsel, adopts the arguments advanced by learned APP.

8. I have carefully gone through the contents of FIR so also the investigation papers submitted before me by the learned APP. The only allegation against the present applicant, which emerges from the record, is that he allegedly had threatened the informant and her mother of dire consequences, if any proceeding is taken out against the main accused and as against him also.

9. Needless to say, the main allegations of cheating and forgery are against the brother and sister-in-law of the informant. According to her, it were they, who forged the signatures of informant and her mother and then withdrew the amount from the bank accounts. Similarly, they did not stop there only but also went ahead and raised loan from the Sanvatsar Big Bagayatdar Multipurpose Cooperative Credit Society, Sanvatsar by again forging the signatures

of informant and her mother. It is also not disputed that the main accused have already been admitted on bail by the learned trial Court.

10. Having regard to the role of the present applicant in the offence in question and as also the facts and circumstances of the case, in my considered opinion, there is no necessity of the custodial interrogation of the applicant. This being so, I am inclined to allow the application. Hence, the following order.

**ORDER**

i. In the event of arrest of the applicant, namely, Santosh Tukaram Raut in connection with Crime No. 0030 of 2021, registered with Kopargaon Rural Police Station, District Ahmednagar, for the offences punishable under Sections 420, 465, 467, 468, 504, 506 r/w 34 of the Indian Penal Code, the applicant is directed to be enlarged on bail on his furnishing P.R. Bond of Rs.20,000/- [Rs. Twenty thousand], with one or two solvent sureties in the like amount.

ii. The applicant shall attend the concerned police station as and when called and shall cooperate with the police in the investigation.

11. The application stands disposed of in aforesaid terms.

**[ V. G. BISHT ]**
**JUDGE**

SG Punde, PA