

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 736 OF 2021

Arun Balasaheb Shinde,
Age : 24 Years, Occ. Labour,
R/o. Hanmantgaon, Post Pathare
(Khurd) Tq. Rahata, Dist.
Ahmednagar.

..APPLICANT

VERSUS

1. The State of Maharashtra.

2. The Superintendent of Police,
Ahmednagar.

..RESPONDENTS

...
Advocate for the Applicant : Mr. R. K. Temkar
A.P.P. for Respondent-State : Mrs. V. S. Chaudhary
...

CORAM : SANDEEP K. SHINDE, J.

DATE : 23.07.2021

PER COURT :-

1. Complainant is a Branch Manager of the Ahmednagar District Central Co-operative Bank Ltd., at Tambhere Tq. Rahuri. He alleged, 37 persons were sanctioned and disbursed the loan against the collateral security of gold Jewelry, which was found to be a counterfeit piece of gold. Thus, on report crime No. 143 of 2021, was registered.

Investigation revealed the shocking state of affairs. It shows applicant had applied for the nominal membership of the Bank on 6th December, 2019. On the same day, he had applied for the loan against the collateral security of gold ornaments worth Rs. 1,96,000/-. On the very day authorized Valuer had certified the value of the gold Jewelry. Soon thereafter, on 6th December, 2019, loan was sanctioned by the Branch Manager. On the same day Rs. 1,25,000/- were allegedly paid to the applicant in cash, however, payment voucher does not show receipt of the amount by applicant. Here question is, if the loan was sanctioned on the basis of Valuer's certificate, how it could be said that the applicant has cheated the Bank.

Be that as it may, it is applicant's case that, he had not availed a loan from the Bank. It is contended that, applicant's signatures were forged.

Upon perusing the record, *prima facie*, in my view, investigation does not reveal applicant's complicity in the crime. It is surprising that, on a single day applicant was admitted to the membership of the Bank; applied for loan; obtained valuer's certificate and loan was sanctioned soon thereafter. Apart, from usually loan amount is credited to the

account of a loanee/ borrower, and not disbursed in cash. Here, the attendant circumstances, *prima facie* does not indicate the applicant's complicity in the crime. Even otherwise, the applicant's custody will not further prosecution case and his presence for investigation can be secured by imposing condition. Application is granted. Hence the order.

ORDER

- (i) Application is allowed.
 - (ii). In the event of arrest of the applicant in connection with Crime No. I-143/ 2021 registered with Rahuri Police Station, District Ahmednagar, he shall be released on bail on executing P.R. bond in the sum of Rs. 25,000/- (Rupees Twenty Five Thousand) with one or two sureties in the like amount.
 - (iv) The applicant shall join the investigation as and when called.
2. Application is allowed and disposed of.

**(SANDEEP K. SHINDE)
JUDGE**