

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

ANTICIPATORY BAIL APPLICATION NO. 1111 OF 2021

Avinash Malkarjun Khasewar,
Age : 32 years, Occu. Pvt. Service,
R/at – Basmath, Tal. Basmath,
Dist. Hingoli.

...Applicant

Versus

The State of Maharashtra

...Respondent

.....
Mr. B. S. Chondhekar, Advocate for the applicant
Mr. N. T. Bhagat, APP for respondent / State
.....

CORAM : PRAKASH D. NAIK, J.

DATE : OCTOBER 12, 2021

PER COURT : -

1. By this application, the applicant is seeking anticipatory bail in connection with Crime No. 0256 of 2021 registered with Basmathnagar (City) Police Station, Dist. Hingoli, for the offences punishable under Sections 420, 468, 471, 409, 474 r/w 34 of the Indian Penal Code.

2. The FIR was registered on 04.08.2021 by the informant, who works as a Law Officer in Mahindra Rural Housing Finance Company Limited (hereinafter referred to as "Finance Company").

The said FIR was registered against 22 persons. The accused no. 1 (applicant) was marketing representative, accused no. 2 was an Engineer, accused nos. 3 to 5 were Law Officers, accused no. 6 was a Credit Officer and accused nos. 7 to 22 were the borrowers.

3. The case of the prosecution is that the said Finance Company had opened it's branch near Garib Nawaz Hotel, Parbhani Road, Vasmat, Dist. Hingoli. The object of the said finance company is to provide loan for construction of houses in rural area. While obtaining loan, it is necessary to submit the value of the properties proposed to be mortgaged. The business representative of the said Finance Company had visited the needy persons and prepared the loan proposals. Thereafter, the documents collected by the representative were examined by the Law Officers, Technical Officers and Field Officers. The title of the properties were verified by the Law Officers. After the report of the Law Officers, the Credit Officer inspected the same and reported the concerned officer and on that basis, the loans were sanctioned to the borrowers. It is alleged that fabricated documents were submitted by the borrowers while obtaining the loan from the said Finance Company. The applicant is a person, who collected the documents and submitted it to the said Finance Company.

4. Learned Counsel for the applicant submitted that the only role assigned to the applicant is to act as a marketing representative of the said Finance Company and after approaching the needy persons/borrowers, the documents collected from them are submitted by him in the office of the said Finance Company. It is submitted that the job of verification of title or the documents submitted by the borrowers was assigned to other officers viz. the Law Officer, Credit Officer and Technical Officer. The applicant was not responsible for testing the genuineness of the documents submitted by the borrowers. He, further, submitted that the borrowers, Credit Officers and Law Officers had preferred applications for anticipatory bail before the Court of Sessions as well as before this Court and all of them have been granted anticipatory bail. Copies of the orders passed in the said applications are annexed to the present application.

5. Learned APP submits that the investigation is still in progress. The allegation against the present applicant is that the documents collected from the borrowers were found to be false and fabricated. The applicant has acted in connivance with the co-accused.

6. It is pertinent to note that the applications preferred by other co-accused for anticipatory bail are allowed. The Law Officers were granted anticipatory bail by this Court vide order dated 24th September, 2021. While allowing said application, it was observed by this Court that the investigation papers do not directly or indirectly implicate the Law Officers, in any manner. Their duty is to verify the documents submitted by the Company and find out whether the title is clear or not and whether there are any encumbrances over the property against whom the borrower wants to raise loan.

7. It is also pertinent to note that some of the borrowers had preferred applications for bail, which were allowed by the Additional Sessions Judge, Basmathnagar vide order dated 24th August, 2021. The other borrowers were also granted anticipatory bail by the Additional Sessions Judge, Basmathnagar vide order dated 23rd August, 2021. Except accused no. 2, all the other accused have been granted anticipatory bail. Learned Advocate submitted that accused no. 2 has not filed application for anticipatory bail either before the Sessions Court or before this Court. In the circumstances, the applicant need not be subjected to custodial interrogation. Hence, the following order.

ORDER

- i] The application is allowed and disposed of.
- ii] In the event of arrest of the applicant in connection with Crime No. 0256 of 2021 registered with Basmathnagar (City) Police Station, Dist. Hingoli, for the offences punishable under Sections 420, 468, 471, 409, 474 r/w 34 of the Indian Penal Code, the applicant be released on bail on his furnishing P.R. Bond in the sum of Rs.25,000/- (Twenty Five Thousand) with one or more sureties in the like amount.
- iii] The applicant shall report to the Investigating Officer on 20th, 21st and 22nd October, 2021 between 11:00 am and 01:00 pm and thereafter, as and when called by the Investigating Officer till filing of the charge-sheet.

[PRAKASH D. NAIK]
JUDGE