IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO.1527 OF 2020

Satyanarayan @ Satish Goverdhan Sarda
Age: 50 years, Occu.: Business,
R/o. Arihand Plaza, Plot No.12,
Maganpura, New Mondha,
Nanded. **... Applicant**

Versus

State of Maharashtra
Through Police Station Officer,
Loha Police Station, Taluka Loha,
District Nanded. **... Respondent**

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Mr. S. S. Bora, Advocate for the applicant.
Mr. S. B. Narwade, APP for respondent – State.

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CORAM : SMT. VIBHA KANKANWADI, J.

Reserved on : 29th January, 2021
Pronounced on : 16th February, 2021

ORDER :-

. Present applicant has been arrested in connection with Crime No.66 of 2019 registered with Loha Police Station, District Nanded for the offences punishable under Sections 420, 467, 468, 471 read with 34 of Indian Penal Code. He had filed application for grant of anticipatory bail i.e. Anticipatory Bail Application No.321 of 2020, which came to be rejected by this Court on 05-11-2020 and, thereafter, he has been arrested. Now, the investigation is over and charge-sheet has been filed before the learned Judicial Magistrate First Class, Loha, District Nanded. He, therefore, filed present application for bail under Section 439 of the Code of Criminal Procedure.

2. Heard learned Advocate Mr. S. S. Bora for the applicant and learned APP Mr. S. B. Narwade for the respondent – State.

3. It has been vehemently submitted by the learned Advocate for the applicant that the applicant is a respectable businessman in Nanded and had no criminal antecedents. One Sandeep Manikrao Kuldeepake had lodged First Information Report with Loha police station contending that co-accused Sunil Suryakant Pallewad and his father Suryakant Piraji Pallewad were the office bearers of one institution by name Samata Magasvargiya Vikas Mahamandal, Savarmal Tq. Mukhed, Dist. Nanded. It was a public trust and the said trust had presented two cheques in their account maintained at Bank of India, Loha branch for encashment. The total amount of those cheques which were honoured were to the tune of Rs.1,47,50,000/-. Said Sandeep Kuldeepake is the branch manager of the said bank. It is then stated that those cheques were found to be fake and, thereafter, those amounts which were credited to their account has been transferred by R.T.G.S. mode. Now,

as regards the role of the present applicant is concerned, the prosecution states that his name came to be revealed from the interrogation of the co-accused and it was then told that those two cheques bearing Nos. 000011 and 184235 were got prepared by the present applicant from Mumbai and was given to accused No.1 – Sunil Pallewad for encashment. In fact, the entire charge-sheet will not show that the present applicant has helped the main accused persons in any way to commit any offence. There is no direct transaction between the applicant and the two main accused. Merely because the applicant was seen in the CCTV footage of the bank around accused No.1, it does not mean that he had conspired with accused No.1. Name of the present applicant is not reflected in the FIR or the supplementary statement of the informant. The present applicant is suffering from medical problems. Co-accused – Suryakant Pallewad has been released by this Court on medical ground and, therefore, on the ground of parity also, the applicant deserves to be released on bail.

4. Learned APP strongly opposed the application and submitted that the present applicant and accused No.4 – Anandkumar Mandan were in search of such persons who would help them in doing such illegal act. The present applicant and the said accused are experts in preparing fake cheques and other documents relating to bank

transactions. It is not in question that accused Nos.1 and 2 had presented two cheques with Bank of India, Loha branch, where they had account under the name Samata Magasvargiya Vikas Mahamandal, Savarmal Tq. Mukhed, Dist. Nanded. Accused No.1 is the Chairman and accused No.2 is the Secretary of that institution. A cheque was presented on 30-04-2019 drawn on the joint account of one Kiran Narang and Gaurav Narang at Bank of India, Faridabad branch, Haryana for amount of Rs.62,50,000/- dated 26-04-2019. That cheque was honoured. Thereafter, another cheque was presented on 04-05-2019 drawn on the account of one Batakhdevi Anilkumar at Bank of India, Gurugram branch, Haryana for amount of Rs.85,00,000/- dated 02-05-2019. That cheque was also honoured. Thereafter, the bank of the informant received an E-mail from Bank of India, Old Railway Road, Gurgaon on 09-05-2019 stating that Batakhdevi Anilkumar has made a complaint contending that amount of Rs.85,00,000/- has been unauthorizedly withdrawn from her account and the original cheque against which the said withdrawal has been shown was in fact in her possession, and the cheque that was presented was fake cheque. Thereafter, the bank had verified both the cheques from Gurgaon branch as well as Faridabad branch and it was found that both the cheques, which were presented by accused No.1, were fake cheques. It is the prosecution case that those cheques have been prepared by the present applicant and accused No.4 – Anandkumar Mandan. There is evidence on record to show that the present applicant was in contact with accused No.1. The bail application of accused No.1 has been rejected by this Court. There is no medical ground for the present applicant. Whatever document has been produced is of 2017 and now, he has no ailment. All the accused persons have thereby cheated the bank to the tune of Rs.1,47,50,000/-, which is a huge amount. In the charge-sheet, how the withdrawn amount or amount which was in the account of accused Nos.1 and 2 has been transferred to the other persons, is also mentioned. Some amount is withdrawn by cash. As the offence which is transpiring is economic offence, that too affecting the public money which is in bank, the applicant does not deserve any discretionary relief.

5. At the outset, it is to be noted that this Court has rejected the Anticipatory Bail Application No.321 of 2020 filed by the present applicant on 05-11-2020, yet, even at that time, the charge-sheet was filed and it was perused by this Court. The role that is attributed to the present applicant is that amount of Rs.10,00,000/- has been transferred to the account of present applicant and the connection is also established to show that the said amount of Rs.10,00,000/- was from the amount which was gathered in the account of accused Nos.1 and 2

after the encashment of those two disputed cheques. Another piece of evidence against the present applicant is that he was seen with accused Nos.1 and 2 in Loha branch as per the CCTV footage. It is to be noted that the present applicant has given his address of Nanded city, then question is why he would have any transaction at Loha branch of the bank. There is evidence to the effect that the cheques which were presented for encashment are fake cheques. Opinion of the handwriting expert has been secured. The amount which has been collected and the cheating that is done to the bank is huge and this Court has already expressed that the offence that has been committed or the place where the cheques were presented is rather a small village/Taluka place in Maharashtra State and the magnitude of the same has gone till Haryana State. The manner in which the offence has taken place and the method that is used, is definitely required to be considered.

6. In ***Y. S. Jagan Mohan Reddy v. Central Bureau of Investigation, reported in (2013) 7 SCC 439***, the Hon'ble Supreme Court has observed that :-

> *"34. Economic offences constitute a class apart and need to be visited with a different approach in the matter of bail. The economic offences having deep rooted conspiracies and involving huge loss of public funds need to be viewed seriously and considered as grave offences affecting the*

economy of the country as a whole and thereby posing a serious threat to the financial health of the country.

35. While granting bail, the court has to keep in mind the nature of accusations, the nature of evidence in support thereof, the severity of the punishment which conviction will entail, the character of the accused, circumstances which are peculiar to the accused, reasonable possibility of securing the presence of the accused at the trial, reasonable apprehension of the witnesses being tampered with, the larger interests of the public/State and other similar considerations."

7. Now, turning towards the medical ground which is also pressed in this case, it can be seen that discharge card of the applicant has been issued by Lotus Hospital, Nanded which shows that he was admitted in that hospital from 26-06-2017 to 04-07-2017. It appears that, at that time, he had chest pain with vomiting etc., but he has been discharged. Prior to that, he was admitted with Sanjeevani Hospital, Critical Care and Trauma Centre, Nanded between 06-01-2016 to 09-01-2016 and it appears that he has undergone certain surgery. Even at that time, he has been discharged. Another paper from Ashwini Hospital and Ramakant Heart Care Centre dated 02-09-2017 would show that, he is suffering from ischemic heart disease, but then no other document is produced on record to show that apart from his regular tablets, he has been advised anything else. Further, after 2017, he has no major health problem. When no recent document have been shown

requiring continuous medical treatment of such a serious nature that he will not get such kind of treatment in jail, Superintendent of jail can be directed to give treatment to the present applicant as and when required. That cannot be taken as medical ground to release him on bail when there is ample evidence against him. Hence, the application stands dismissed.

8. Superintendent of jail is directed to provide adequate and timely medical aid to the applicant as and when required including the regular checkups.

[SMT. VIBHA KANKANWADI, J.]

scm