IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 377 OF 2021

Raj Gokul Kamble .... Applicant

Versus

The State of Maharashtra .... Respondent

Mr. Shrishail Sakhare for Applicant.
Mrs. J. S. Lohokare, APP for State/Respondent.
Mr. A. G. Patil, PHC 856, Ispurli Police Station, Kolhapur, present.

CORAM : SARANG V. KOTWAL, J.
DATE : 11th FEBRUARY, 2021

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No. 172 of 2020 registered with Ispurli Police Station, Tal. Karveer, Dist. Kolhapur, on 31/12/2020, under section 420 r/w. 34 of the Indian Penal Code (for short 'IPC').

2. Heard Shri. Shrishail Sakhare, learned counsel for the applicant and Mrs. Lohokare, learned APP for the State.

3. The First Information Report (for short 'F.I.R.) is

lodged by one Rajendra Hotkar, on 31/12/2020. He has stated in his F.I.R. that, he was in need of finances for his business. He came in contact with one Subhash Rohidas for that purpose through some advertisement. He represented to the first informant that, if the informant paid some processing fees to the said person, he would procure loan from different banks. The informant paid him money from time to time. But nothing came out of such payment. In the meantime, he got acquainted with the present applicant through that Subhash. The F.I.R. mentions that the applicant in turn represented to the first informant that Subhash Rohidas would not do his work, instead, the informant could get loan through the present applicant and for that purpose some amount would required to be paid. It is the allegation in the F.I.R. that, on directions of the applicant the informant transferred Rs.90,000/- in the account of Ashwini Parashe. Her account was held in Suryodaya bank and Smile Finance. There are allegations that the informant paid Rs.90,000/- in cash. Thus, the applicant had taken Rs.1,80,000/- from the informant. The other accused Subhash Rohidas had taken Rs.36000/-. Nothing was done. No loan was sanctioned in the name of applicant and the money was misappropriated. The applicant refused to repay the money. On these allegations, the F.I.R. was lodged.

4. Learned counsel for the applicant submitted that, as far as payment of Rs.90,000/- to the applicant is concerned, there is no proof of the same. It was allegedly, a cash transaction and without proof this is not believable. He submitted that, balance amount of Rs.90000/- he was willing to deposit in the court.

5. Learned APP vehemently opposed this application. She submitted that, even the account held in the name of aforesaid Ashwini was a fake account. For that purpose her documents were used and forged documents were created to open such account. Money was transferred into that account and thereafter it was siphoned off. The statement of Ashwini Parashe to that effect is already recorded. Learned APP also relied on the account details, allegedly, held in the name of Ashwini Parashe.

6. I have considered these submissions. The offence is serious. It is not the question of repayment of Rs.90,000/- or Rs.1,80,000/-, more serious issue is about creation of forged

documents and opening a fake account in the name of Ashwini Parashe which was used by the present applicant for depositing money given by the informant through NEFT transfer. As per F.I.R. the money given by the first informant is lost. It is misappropriated. The offence is made out. Custodial interrogation of the applicant is necessary to find out modus operandi and to find out details of opening of fake account in the name of Ashwini Parashe. No case for anticipatory bail is made out.

7. The application is rejected.

(SARANG V. KOTWAL, J.)