IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.821 OF 2021

Deepak Waman Hande .. Applicant
Versus
State of Maharashtra .. Respondent

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Mr.Hitesh P. Shah, Advocate for the Applicant.

Ms.Anamika Malhotra, APP for the Respondent – State.

PI Gaikwad, Nehrunagar Police Station, Mumbai, present.
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CORAM : PRAKASH D. NAIK, J.

DATED : MARCH 25, 2021.

P.C. :

This is an application for anticipatory bail in connection with C.R.No.58 of 2019, registered with Neharunagar Police Station, Mumbai, for the offences punishable under Sections 465, 466, 467, 468, 471, 420 and 409 read with Section 34 of Indian Penal Code ("IPC", for short). First Information Report ("FIR", for short) was lodged on 13th February, 2019.

2 The case of the prosecution is that the annual accounts of Bhadvan Sahakari Patpedhi Maryadit were audited for the year 1st April, 2016 to 31st March, 2017. As per the report,

the accused has conspired and prepared bogus documents and made false entries for misappropriation of Rs.3,05,45,450/-. Twenty one investors had made deposits in the society. There was default in repayment.

3 It is alleged that the accused were involved in showing that the loan was disbursed to them to reduce the liability. The applicant had allegedly forwarded documents to apply for loan of Rs.25 lakhs.

4 Learned counsel for the applicant submitted that the documents are false. The applicant had resigned as a Deputy General Manager of the credit society in 2012. Thereafter onwards he was not concerned with the credit society. There is no specific allegation against him. Inquiry report does not indicates the applicant’s involvement. Custodial interrogation of the applicant is not necessary.

5 The applicant had preferred application for anticipatory bail before the Sessions Court which has been rejected by order dated 16th March, 2021.

6 Learned APP submitted that involvement of the applicant is apparent from the record. The documents show that the applicant had applied to the society for loan of Rs.25 lakhs. The application as well as the agreement for loan shows signatures of the applicant and two others. There is also promissory note dated 30th January, 2017, executed by applicant in favour of the credit society for payment of Rs.25,00,000/- alongwith interest at the rate of 18 percent. The document show that the society had decided to show loan of Rs.1.28 crores against five office bearers and one of them was applicant. Reasons of disbursement of loan is to show the reduction of cash reflected in the balance sheet of Kurla Branch of the credit society as on 31st March, 2017.

7 While rejecting the application of the applicant, learned Sessions Judge has observed that the loan application shows that the applicant had himself applied for loan of Rs.25,00,000/-, and his signature on the documents are not disputed. Learned counsel for the applicant, however, submits that the applicant disputes the said documents. The bank account does not reveal any deposit. The loan was allegedly disbursed in cash. It is necessary to ascertain the money trial of

Rs.25,00,000/-. The inquiry report indicate that while working as Deputy Chairman of the society, the applicant had agreed to reimburse loss suffered by the society and he was given opportunity for the same. However, there was no cooperation.

8 Considering the evidence against applicant, no case for grant of anticipatory bail is made out. Anticipatory bail Application No.821 of 2021, is rejected, and stands disposed of.

(**PRAKASH D. NAIK, J.)**