IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.1366 OF 2021

Avidh Chandrakant Gharat Applicant
versus
The State of Maharashtra and another Respondents

Mr.Ujjwal Gandhi, Advocate for applicant.
Ms.Anamika Malhotra, APP, for Respondent-State.

CORAM : PRAKASH D. NAIK, J.

DATE : 21st June 2021

PC :

1. This is an application for bail. The applicant is arrested on 6th October 2020 in connection with CR No.926 of 2020 registered with Borivali Police Station for offences under Sections 420, 465, 467, 471, 120-B of Indian Penal Code.

2. The case of prosecution is that the complainant is working as Manager with Canara Bank, Borivali West, Mumbai. The accused Raghunath Rane had approached the bank in December-2018 and introduced himself as the Direct Sale Officer of Noble Hub Mitsubishi. He introduced the accused Ganesh Ubhare as the Chief Operating Officer. They represented that their customer Avidh Gharat (applicant) intends to purchase Pajero car valued at Rs.35 lakh for which he was required loan of Rs.30 lakh. They were informed that there is no loan facility available with the branch and they can approach circle office on completing formalities. On 17th December 2018 the complainant received letter from circle office that they have

tied up with Noble Hub Mitsubishi and the branch can proceed with disbursement of loan. The documents were processed. Loan application of the applicant was approved and loan of Rs.29.60 lakh was sanctioned. The amount was transferred to the account of Noble Hub Mitsubishi at DCB Bank, Goregaon Branch. The co-accused Ganesh Ubhare and Raghunath Rane approached the bank for three more car loans which were also sanctioned and the amount was transferred to the bank of Noble Hub Mitsubishi. After payment of three instalments, further instalments were not paid to the bank. The complainant tried to contact the accused. The addresses of some of the persons were found to be false. Enquiry was made with bank where loan amount was disbursed and it was learnt that accounts were in the name of Ganesh Ubhare and Kiran Surve. The complainant contacted the Directors of Noble Hub Mitsubishi. Mr.Rahil Khan informed that he would sale the cars and repay the loan. However, loan was not repaid. The complainant was cheated for an amount of Rs.1.18 crore. Hence the FIR was lodged.

3. Learned advocate for applicant submitted that applicant is bona fide purchaser of the vehicle. He had approached Noble Hub Mitsubishi for purchasing car. He was informed by the co-accused that they have tied up with bank. The applicant handed over the documents to the co-accused and paid Rs.8 lakh to them. The delivery of car was given on 27th October 2018. It was without registration. He pursued the dealer for papers. The amount was credited into the account of dealer. He was not aware of the fraud committed by the co-accused. He was never contacted for recovery of loan till his arrest. The co-accused had misappropriated the loan amount. They were involved in forgery of documents. The applicant

had handed over genuine documents. He had informed the bank that he is ready and willing to surrender the car. The applicant had paid Rs.10 lakh towards repayment of loan Charge sheet is filed. Further custody of applicant is not necessary.

4. Learned APP submitted that applicant was acting in connivance with co-accused. He was the purchaser of car. Rs.29.60 lakh were sanctioned and disbursed for purchasing the car. Documents were forged. Salary documents were fabricated. The applicant was aware about intentions of the co-accused. The documents submitted by applicant were forged. The documents were salary slips and Form No.16. Loan was obtained by submitting false documents.

5. The applicant is in custody from 6th October 2020. The offences are triable by Magistrate. On completing investigation charge sheet is filed. Role of false representations was attributed to the co-accused. The applicant was introduced as purchaser of car. The sanctioned loan amount was credited into the account of bank. Subsequently car was delivered to the applicant. He was willing to part with car. Loan amount sanctioned to the applicant for purchase of car was Rs.29.60 lakh. The applicant had paid Rs.10 lakh. Prima role of cheating and fabrication of documents is attributed to the co-accused. Further detention of applicant is not necessary. Case for grant of bail is made out. Hence, I pass following order :

ORDER

(i) Criminal Bail Application No.1366 of 2021 is allowed;

(ii) The applicant is directed to be released on bail in connection with C.R.No.926 of 2020 registered with Borivali Police Station, Mumbai on executing PR bond in the sum of Rs.25,000/- with one or more sureties in the like amount;

(iii) The applicant shall report concerned Police Station once in three months on first Saturday of the month between 11.00 a.m. to 1.00 p.m; till framing of charge;

(iv) The applicant is permitted to furnish cash bail security in the sum of Rs.25,000/- for a period of twelve week sin lieu of surety.

(PRAKASH D. NAIK, J.)

MST