

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL BAIL APPLICATION NO.1407 OF 2021

Dayaram Babasaheb Gaikwad Applicant

versus

State of Maharashtra Respondent

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- Mr.Ajinkya Kamble a/w Avinash Kamble, Advocate for Ruturaj Bathe i/b. Vaibhav Kulkarni, Advocate for Applicant.
- Mr.S.H. Yadav, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.

DATE : 14th JUNE, 2021

(Through video conferencing)

P.C. :

1. The Applicant is seeking his release on bail in connection with C.R.No.575/2018 registered with Bharti Vidyapith Police Station, Pune, under sections 420, 467, 468, 471 r/w 34 of the Indian Penal Code. The Applicant was arrested on 15/10/2019 and since then he is in custody.

2. The FIR is lodged by one Vaishali Pravin Walimbe, who was working as branch manager of Bank of Maharashtra. In

April 2018, one Ganesh Bhoir approached her branch and sought information about loan. He furnished quotation of Sky Moto Automobile Co., in respect of a four wheeler known as Jeep Compass. Quotation was for Rs.25,68,041/-. At that time, he furnished his own documents in the nature of IT Returns, PAN card etc. He had shown present Applicant as guarantor for the loan and he had also submitted IT returns, PAN card, Aadhar Card of the present Applicant. The bank sanctioned loan of Rs.15 lakhs to Ganesh Bhoir. He was given two DDs of Rs.6,00,000/- and 9,00,000/- each. Ganesh gave receipts in respect of those two DDs issued purportedly by Sky Moto Automobile Co. He paid EMI of Rs.24,100/- for the month of May and June. After that he stopped paying installment. In August, bank officers made enquiries. But Ganesh was not available. In July 2018 he had approached the bank and had given some document. He had also given invoices entries. On verification of documents it was found that the Chassis number and Engine number were of the car bearing No.MH-12-QK-0919 registered in the Applicant's name. The bank made further

enquiries and came to know that DDs were deposited in Pune People's Co-op Bank Ltd. Kasba Peth branch, in the account of Sky Moto Automobile Co. However, it was operated by Ganesh Bhoir and it was a fictitious account. The informant realized that Ganesh Bhoir had cheated the bank on the basis of forged document and therefore this FIR is lodged.

3. Heard Mr.Ajinkya Kamble, learned counsel for the Applicant and Mr.S.H. Yadav, learned APP for the State.
4. Learned counsel for the Applicant submitted that the Applicant was a family friend of Ganesh Bhoir and in fact he is a victim in this case. He is arrested in this case on 15/10/2019 and since then he is in custody. The Applicant under bonafide belief stood guarantor and gave his own documents. These documents were genuine and there was no forgery of these documents. The entire charge-sheet does not show anything recovered from him.

5. Learned APP opposed this application. He submitted that there is a past offence pending against him vide C.R.No.45/2019 registered with Dattawadi police station. In that case, Applicant was arrested and was released on bail. In that case also the Applicant had taken a vehicle on loan and the invoices in the name of a fictitious automobile dealer were used. In that case, vehicle was seized.

6. I have considered these submission. Undoubtedly, the Applicant has a similar antecedent, as he had borrowed loan by using a fictitious automobile showroom account. But in that offence, he is already granted bail. In the present case, the documents given by the Applicant, are not supposed to be forged, but co-accused Ganesh Bhoir had diverted the money in a fictitious account of the Automobile. There is no recovery at the instance of the present Applicant. The Applicant's car is already seized in the earlier FIR. The Applicant is in custody since 15/10/2019. Trial is not likely to commence or conclude in the near future. In this view of the matter, further custody of the

Applicant, will not serve any purpose. In this particular offence, main allegations are directed against Ganesh Bhoir. From the charge-sheet, it does not appear that the Applicant was benefited in any manner. In this view of the matter, I am inclined to grant bail to the present Applicant.

7. Hence, the following order :

ORDER

- (i) In connection with C.R.No.575/2018 registered with Bharti Vidyapith Police Station the Applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- (ii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)