

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1019 OF 2019

Manohar Ishwar Khaire

Applicant

versus

The State of Maharashtra

Respondent

Ms.Saswati Deb for applicant.

Ms.Veera Shinde, APP, for State.

CORAM : PRAKASH D. NAIK, J.

DATE : 26th July 2021

PC :

1. The applicant is apprehending arrest in connection with CR No.I-280 of 2018, dated 14th September 2018 registered with Rabale MIDC Police Station, Navi Mumbai, for offences punishable under Sections 420, 465, 467, 468, 471 r/w 34 of Indian Penal Code.

2. It is the case of the prosecution that the principal accused, namely Vijay Ghule while submitting proposal for loan with the financial institution annexed bogus and/or fabricated documents allegedly issued by the Income Tax Department. In due course of time, the principal accused committed defaults in repayment of installments and the cheques given by him to the financial institution have been dishonoured. A case under Section 138 of Negotiable Instruments Act has been filed by the financial institution against the principal accused Vijay Ghule. It is the allegation against the applicant that the applicant has stood guarantor of the said Vijay Ghule and though he was aware of the fact that the documents annexed to the loan proposal were forged and fabricated, he signed the said proposal in his capacity as guarantor.

3. Learned counsel for applicant submitted that the applicant has no knowledge about the fact of forged documents submitted by the principal accused. Learned APP submitted that main accused has submitted fabricated documents so that applicant stood as guarantor and apparently he had knowledge that documents submitted by the co-accused were fabricated.

4. The applicant was granted interim protection by this Court vide order dated 26th April 2019 wherein it was observed that prima facie it appears that the applicant did not have knowledge of fact of forged documents submitted by principal accused Vijay Ghule with the concerned financial institution. The applicant was directed to attend Investigating Officer. Learned counsel for applicant submitted that the applicant has attended the Investigating Officer.

5. Considering the factual aspects, custodial interrogation of the applicant is not necessary. Interim order granted by this Court can be confirmed. Hence, I pass following order :

ORDER

- (i) Anticipatory Bail Application is allowed and disposed of;
- (ii) Interim order dated 26th April 2019 is confirmed;
- (iii) In the event of arrest of applicant in connection with CR No.I-280 of 2018 registered with Rabale MIDC Police Station, Navi Mumbai, the applicant be released on bail on executing PR bond in the sum of Rs.25,000/- with one or more sureties in the like amount;
- (iv) The applicant shall appear before Investigating Officer as and when called for till filing of charge sheet.

(PRAKASH D. NAIK, J.)